

7-10-2009

State v. Naranjo Clerk's Record Dckt. 36473

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LAW CLERK

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

SUPREME COURT NO. 36473-2009
DISTRICT COURT NO. CR-07-3809*D

STATE OF IDAHO,
Plaintiff/Respondent
Vs.
ELOY NARANJO JR.,
Defendant/Appellant

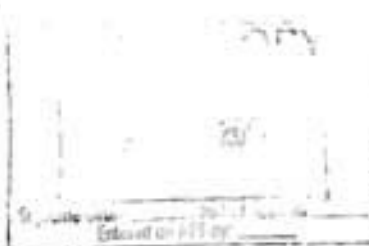
Appealed from the District Court of the Fifth Judicial District
of the State of Idaho, in and for
Minidoka County
Honorable R. BARRY WOOD, District Judge

Lawrence Wasden, IDAHO ATTORNEY GENERAL, P. O.
Box 83720, Boise, ID 83720-0010
Attorney for Respondent State of Idaho

Molly J. Huskey, IDAHO STATE APPELLATE PUBLIC
DEFENDER, 3647 Lake Harbor Ln., Boise, ID 83703
Attorney for Appellant BENJAMIN J GRANILLO

Filed this 10 day of July, 2009.

Duane Smith, Clerk
Santos Garza, Deputy



36473

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

SUPREME COURT NO. 36473-2009
DISTRICT COURT NO. CR-2007-3809*D

ELOY NARANJO JR.,

Appellant/Defendant

Vs.

STATE OF IDAHO

Respondent/Plaintiff

Appealed from the District Court of the Fifth Judicial District
of the State of Idaho,
in and for Minidoka County

Honorable Barry R. Wood, District Judge

Lawrence Wasden, IDAHO ATTORNEY GENERAL, P. O. Box 83720, Boise, ID 83720

Attorney for Respondent State of Idaho

Molly J. Huskey, IDAHO STATE APPELLATE PUBLIC DEFENDER,
3647 Lake Harbor Lane, Boise, ID 83703

Attorney for Appellant ELOY NARANJO JR.

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State of Idaho vs. Eloy Naranjo Jr

Date	Code	User		Judge
10/23/2007	NCRF	JODY	New Case Filed - Felony	Rick L Bollar
	PROS	JODY	Prosecuting Attorney Assigned Nicole L. Cannon	Rick L Bollar
	CRCO	JODY	Criminal Complaint	Rick L Bollar
	AFPC	JODY	Affidavit Of Probable Cause for Warrant of Arrest	Rick L Bollar
	WARI	JODY	Warrant Issued - Arrest Bond amount: 100000.00 Defendant: Naranjo, Eloy Jr	Rick L Bollar
10/25/2007	WART	BEA	Warrant Returned - SERVED 10/24/07 at 2045 hrs.	Larry R. Duff
	ARRN	JODY	Arraignment / First Appearance	Larry R. Duff
	CMIN	JODY	Court Minutes-Def to hire own atty; Set Preliminary	Larry R. Duff
	COMM	JODY	Commitment - Held To Answer-\$100,000.00	Larry R. Duff
	CHJG	AURELIA	Change Assigned Judge	Rick L Bollar
	HRSC	AURELIA	Hearing Scheduled (Preliminary 11/07/2007 01:00 PM)	Rick L Bollar
11/5/2007		AURELIA	Notice Of Hearing	Rick L Bollar
	NOTC	AURELIA	Notice sent to def in jail	Rick L Bollar
	AMCO	BEA	Amended Complaint Filed (I37-2732B(A)(3) Drug-traffick Methamphetamine/amphetamine Manufact)	Rick L Bollar
11/9/2007	AFPC	BEA	Affidavit Of Probable Cause for Warrant of Arrest	Rick L Bollar
	CONT	AURELIA	Hearing result for Preliminary held on 11/07/2007 01:00 PM: Continued	Rick L Bollar
	WAPH	AURELIA	Waiver of Preliminary Hearing	Rick L Bollar
	MISC	AURELIA	Request for Preliminary hearing	Rick L Bollar
	MOTN	AURELIA	Motion to Reduce and Consolidate Bond	Rick L Bollar
11/15/2007	ORDR	BEA	Order Reducing and Consolidating Bond	Rick L Bollar
	BNDP	BEA	Bond Posted - Property (Amount 15000.00)	Rick L Bollar
	HRSC	AURELIA	Hearing Scheduled (Preliminary 12/05/2007 01:00 PM)	Rick L Bollar
		AURELIA	Notice Of Hearing	Rick L Bollar
	NOTC	AURELIA	Notice mailed to defendant- no attorney has made an appearance	Rick L Bollar
11/16/2007	APPR	BEA	Appearance and Acknowledgment of Constitutional Rights - Robert M. Nielsen	Rick L Bollar
	REQU	BEA	Request For Discovery	Rick L Bollar
12/3/2007	REQU	JODY	Request For Discovery	Rick L Bollar
	RESP	JODY	Response to Request for Discovery	Rick L Bollar
12/5/2007	STIP	JODY	Stipulation for Continuance	Rick L Bollar
12/6/2007	CONT	AURELIA	Hearing result for Preliminary held on 12/05/2007 01:00 PM: Continued	Rick L Bollar

State of Idaho vs. Eloy Naranjo Jr

Date	Code	User		Judge
12/6/2007	ORDR	AURELIA	Order for Continuance	Rick L Bollar
12/7/2007	HRSC	AURELIA	Hearing Scheduled (Preliminary 12/26/2007 01:00 PM)	Rick L Bollar
		AURELIA	Notice Of Hearing	Rick L Bollar
	NOTC	AURELIA	Notice mailed to Robert Nielsen	Rick L Bollar
12/17/2007	RESP	JODY	Second Response to Request for Discovery	Rick L Bollar
12/26/2007	INHD	AURELIA	Hearing result for Preliminary held on 12/26/2007 01:00 PM: Interim Hearing Held	Rick L Bollar
	MISC	AURELIA	Reset for Preliminary 1/9/08 per court	Rick L Bollar
	HRSC	AURELIA	Hearing Scheduled (Preliminary 01/09/2008 01:00 PM)	Rick L Bollar
		AURELIA	Notice Of Hearing	Rick L Bollar
	NOTC	AURELIA	Notice mailed to Robert Nielsen	Rick L Bollar
1/9/2008	MOTN	BEA	Motion for Transport	Rick L Bollar
	ORDR	BEA	Order for Transport	Rick L Bollar
	INHD	AURELIA	Hearing result for Preliminary held on 01/09/2008 01:00 PM: Interim Hearing Held	Rick L Bollar
	CMIN	AURELIA	Court Minutes Reset for in 2 wks on 1/30/08	Rick L Bollar
1/10/2008	HRSC	AURELIA	Hearing Scheduled (Preliminary 01/30/2008 01:00 PM)	Rick L Bollar
		AURELIA	Notice Of Hearing	Rick L Bollar
	NOTC	AURELIA	Notice mailed to Robert Nielsen	Rick L Bollar
1/14/2008	MOTN	JANET	Motion for transport	Rick L Bollar
	ORDR	JANET	Order for transport	R. Barry Wood
1/17/2008	SUBR	JODY	Subpoena Returned served on Blas Martinez	Rick L Bollar
1/30/2008	CMIN	JODY	Court Minutes-Mr. Nielsen to submit waiver of preliminary; District Arraign will be 2/11/08 9AM	Rick L Bollar
	HRVC	JODY	Hearing result for Preliminary held on 01/30/2008 01:00 PM: Hearing Vacated	Rick L Bollar
2/4/2008	INFO	JANET	Information - Part I	R. Barry Wood
	INFO	JANET	Information - Part II	R. Barry Wood
2/8/2008	WAPH	JODY	Waiver of Preliminary Hearing	Rick L Bollar
2/11/2008	HRSC	JANET	Hearing Scheduled (Arraignment 02/25/2008 09:00 AM)	R. Barry Wood
		JANET	Notice Of Hearing	R. Barry Wood
2/25/2008	CMIN	JANET	Court Minutes Hearing type: Arraignment Hearing date: 2/25/2008 Time: 12:20 pm Court reporter: Maureen Newton (PRINTED)	John M. Melanson
	PLEA	JANET	A Plea is entered for charge: - NG (137-2732B(A)(3) Drug-traffic Methamphetamine/amphetamine Manufact)	John M. Melanson

State of Idaho vs. Eloy Naranjo Jr

Date	Code	User	Judge
2/25/2008	PLEA	JANET	A Plea is entered for charge: - NG (I63-4205 Drug Stamp Tax Violation) John M. Melanson
	ARRN	JANET	Hearing result for Arraignment held on 02/25/2008 09:00 AM: Arraignment / First Appearance John M. Melanson
	HRSC	JANET	Hearing Scheduled (Status Conference 03/17/2008 09:00 AM) R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Pretrial Conference 05/05/2008 09:00 AM) R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Jury Trial 05/14/2008 08:30 AM) R. Barry Wood
2/26/2008		JANET	Notice Of Hearing R. Barry Wood
3/17/2008	CMIN	JANET	Court Minutes Hearing type: Status Conference Hearing date: 3/17/2008 Time: 9:43 am Court reporter: Linda Ledbetter (PRINTED) R. Barry Wood
	INHD	JANET	Hearing result for Status Conference held on 03/17/2008 09:00 AM: Interim Hearing Held R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Status Conference 04/07/2008 09:00 AM) R. Barry Wood
		JANET	Notice Of Hearing R. Barry Wood
4/7/2008	CMIN	JANET	Court Minutes Hearing type: Status Conference Hearing date: 4/7/2008 Time: 9:43 am Court reporter: Linda Ledbetter (PRINTED) R. Barry Wood
	INHD	JANET	Hearing result for Status Conference held on 04/07/2008 09:00 AM: Interim Hearing Held R. Barry Wood
5/5/2008	CMIN	JANET	Court Minutes Hearing type: Pretrial Conference Hearing date: 5/5/2008 Time: 9:36 am Court reporter: Linda Ledbetter (PRINTED) R. Barry Wood
	INHD	JANET	Hearing result for Pretrial Conference held on 05/05/2008 09:00 AM: Interim Hearing Held R. Barry Wood
	HRVC	JANET	Hearing result for Jury Trial held on 05/14/2008 08:30 AM: Hearing Vacated R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Jury Trial 07/30/2008 08:30 AM) R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Pretrial Conference 07/21/2008 09:00 AM) R. Barry Wood
		JANET	Notice Of Hearing R. Barry Wood
5/8/2008	WAIV	JANET	Waiver Of Speedy Trial R. Barry Wood
7/21/2008	CMIN	JANET	Court Minutes Hearing type: Pretrial Conference Hearing date: 7/21/2008 Time: 9:53 am Court reporter: Linda Ledbetter (PRINTED) R. Barry Wood
	INHD	JANET	Hearing result for Pretrial Conference held on 07/21/2008 09:00 AM: Interim Hearing Held R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Pretrial Conference 07/28/2008 09:00 AM) R. Barry Wood
7/22/2008		JANET	Notice Of Hearing R. Barry Wood

State of Idaho vs. Eloy Naranjo Jr

Date	Code	User	Judge
7/28/2008	CMIN	JANET	Court Minutes Hearing type: Pretrial Conference Hearing date: 7/28/2008 Time: 9:32 am Court reporter: Linda Ledbetter (PRINTED) R. Barry Wood
	INHD	JANET	Hearing result for Pretrial Conference held on 07/28/2008 09:00 AM: Interim Hearing Held R. Barry Wood
	HRVC	JANET	Hearing result for Jury Trial held on 07/30/2008 08:30 AM: Hearing Vacated R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Pretrial Conference 08/04/2008 09:00 AM) R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Jury Trial 08/06/2008 08:30 AM) R. Barry Wood
	STIP	JANET	Stipulation for continuance R. Barry Wood
	ORDR	JANET	Order for continuance R. Barry Wood
7/29/2008		JANET	Notice Of Hearing R. Barry Wood
8/4/2008	CMIN	JANET	Court Minutes Hearing type: Pretrial Conference Hearing date: 8/4/2008 Time: 9:59 am Court reporter: Linda Ledbetter (PRINTED) R. Barry Wood
	INHD	JANET	Hearing result for Pretrial Conference held on 08/04/2008 09:00 AM: Interim Hearing Held R. Barry Wood
	HRVC	JANET	Hearing result for Jury Trial held on 08/06/2008 08:30 AM: Hearing Vacated R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Pretrial Conference 09/15/2008 09:00 AM) R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Jury Trial 09/24/2008 08:30 AM) R. Barry Wood
8/5/2008		JANET	Notice Of Hearing R. Barry Wood
9/9/2008	MISC	JANET	Sheriff's return on subpoena - Jose Zepeda not served - unable to locate R. Barry Wood
9/15/2008	CMIN	JANET	Court Minutes Hearing type: Pretrial Conference Hearing date: 9/15/2008 Time: 11:58 am Court reporter: Maureen Newton (1 minute - printed) R. Barry Wood
	INHD	JANET	Hearing result for Pretrial Conference held on 09/15/2008 09:00 AM: Interim Hearing Held R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Pretrial Conference 09/22/2008 09:00 AM) R. Barry Wood
9/16/2008		JANET	Notice Of Hearing R. Barry Wood
9/19/2008	SUBR	JANET	Subpoena Returned - Jose Zepeda R. Barry Wood
	AFFD	JANET	Affidavit of Service Jose Zepeda served 9-16-08 @ 0812 in Ada County Jail R. Barry Wood
9/22/2008	CMIN	SANTOS	Court Minutes Hearing type: Pretrial Conference Hearing date: 9/22/2008 Time: 9:00 am Court reporter: Maureen Newton John M. Melanson
	HRHD	SANTOS	Hearing result for Pretrial Conference held on 09/22/2008 09:00 AM: Hearing Held John M. Melanson
9/23/2008	MISC	SANTOS	Witness List R. Barry Wood

State of Idaho vs. Eloy Naranjo Jr

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9/23/2008	MOTN	SANTOS	Motion for Transport	R. Barry Wood
	LODG	SANTOS	Lodged Defendant's Requested Jury Instructions	R. Barry Wood
	NOTC	SANTOS	Notice of intent to use 404(b) Evidence	R. Barry Wood
	ORDR	SANTOS	Order for transport	R. Barry Wood
9/24/2008	CMIN	SANTOS	Court Minutes Hearing type: Jury Trial Hearing date: 9/24/2008 Time: 8:30 am Court reporter: Maureen Newton	Robert J Elgee
	JTST	SANTOS	Hearing result for Jury Trial held on 09/24/2008 08:30 AM: Jury Trial Started	Robert J Elgee
9/25/2008	CMIN	SANTOS	Court Minutes Hearing type: Jury Trial Hearing date: 9/25/2008 Time: 9:02 am Court reporter: Maureen Newton	R. Barry Wood
	INFO	SANTOS	Amended Information Part 1	R. Barry Wood
	FOGT	SANTOS	Hearing result for Jury Trial held on 09/25/2008 09:00 AM: Found Guilty After Trial day 2 estimate: 250 pages and w/voir dire 350 pages by Maureen Newton Reporter	Robert J Elgee
	LODG	SANTOS	Lodged Original Jury Instructions	R. Barry Wood
	MISC	SANTOS	Jury Verdict Form	R. Barry Wood
	PLEA	JANET	Found Guilty after trial - GT (I37-2732B(A)(3) Drug-traffick Methamphetamine/amphetamine Manufact)	R. Barry Wood
	PLEA	JANET	Found Guilty Aftr Trial for charge: - GT (I63-4205 Drug Stamp Tax Violation)	R. Barry Wood
	LODG	JANET	Lodged - Court's given instructions	R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Status Conference 09/29/2008 09:00 AM) Set sentencing and order PSI	R. Barry Wood
	MISC	SANTOS	Exhibit Summary	R. Barry Wood
9/29/2008	CMIN	SANTOS	Court Minutes Hearing type: Status Conference Hearing date: 9/29/2008 Time: 9:00 am Court reporter: Maureen Newton	John M. Melanson
	OPSI	SANTOS	Order to Attend Presentence Investigation and to Appear for Sentencing	R. Barry Wood
	NOTC	SANTOS	Notice of Order for Presentence Report and Evaluations	R. Barry Wood
9/30/2008	HRHD	SANTOS	Hearing result for Status Conference held on 09/29/2008 09:00 AM: Hearing Held Set sentencing and order PSI	John M. Melanson
	HRSC	SANTOS	Hearing Scheduled (Sentencing 12/01/2008 09:00 AM)	R. Barry Wood
11/26/2008		SANTOS	Notice Of Hearing	R. Barry Wood
	LODG	SANTOS	Lodged Presentence Report	R. Barry Wood

Document sealed

State of Idaho vs. Eloy Naranjo Jr

Date	Code	User	Judge
12/1/2008	CMIN	JANET	Court Minutes Hearing type: Sentencing Hearing date: 12/1/2008 Time: 9:47 am Court reporter: Linda Ledbetter (8 minutes - printed) R. Barry Wood
	CONT	JANET	Hearing result for Sentencing held on 12/01/2008 09:00 AM: Continued R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Sentencing 12/08/2008 09:00 AM) R. Barry Wood
		JANET	Notice Of Hearing R. Barry Wood
12/8/2008	CMIN	JANET	Court Minutes Hearing type: Sentencing Hearing date: 12/8/2008 Time: 11:13 am Court reporter: Linda Ledbetter (41 minutes - printed) R. Barry Wood
	DPHR	JANET	Hearing result for Sentencing held on 12/08/2008 09:00 AM: Disposition With Hearing R. Barry Wood
	SNIC	JANET	Sentenced To Incarceration (I37-2732B(A)(3) Drug-traffick Methamphetamine/amphetamine Manufact) Confinement terms: Penitentiary determinate: 5 years. Penitentiary indeterminate: 5 years. R. Barry Wood
	SNIC	JANET	Sentenced To Incarceration (I63-4205 Drug Stamp Tax Violation) Confinement terms: Credited time: 16 days. Penitentiary determinate: 1 year. Penitentiary indeterminate: 2 years. R. Barry Wood
12/9/2008	ORDR	JANET	Judgment of Conviction R. Barry Wood
12/19/2008	MOTN	JANET	Motion for New Trial R. Barry Wood
12/26/2008	HRSC	JANET	Hearing Scheduled (Motion 01/12/2009 09:00 AM) Motion for New Trial R. Barry Wood
		JANET	Notice Of Hearing R. Barry Wood
1/5/2009	MISC	JANET	Objection to Motion for New trial R. Barry Wood
1/12/2009	CMIN	JANET	Court Minutes Hearing type: Motion for New Trial Hearing date: 1/12/2009 Time: 2:40 pm Court reporter: Linda Ledbetter (3 minutes - printed) R. Barry Wood
	CONT	JANET	Hearing result for Motion held on 01/12/2009 09:00 AM: Continued Motion for New Trial R. Barry Wood
	HRSC	JANET	Hearing Scheduled (Motion 01/26/2009 02:00 PM) Motion for New Trial R. Barry Wood
		JANET	Notice Of Hearing R. Barry Wood
	PROS	JANET	Prosecuting Attorney Assigned Lance D Stevenson R. Barry Wood
1/15/2009	HRSC	JANET	Amended Hearing Scheduled (Motion 02/02/2009 02:00 PM) Motion for New Trial R. Barry Wood
		JANET	Amended Notice Of Hearing R. Barry Wood
2/2/2009	CMIN	JANET	Court Minutes Hearing type: Motion for new trial Hearing date: 2/2/2009 Time: 2:06 pm Court reporter: Maureen Newton Daniel B. Meehl

State of Idaho vs. Eloy Naranjo Jr

Date	Code	User	Judge
2/2/2009	INHD	JANET	Hearing result for Motion held on 02/02/2009 02:00 PM: Interim Hearing Held Motion for New Trial Daniel B. Meehl
2/3/2009	HRSC	JANET	Hearing Scheduled (Motion 02/23/2009 02:00 PM) Motion for a New Trial R. Barry Wood
		JANET	Notice Of Hearing R. Barry Wood
2/23/2009	CMIN	JANET	Court Minutes Hearing type: Motion for New Trial Hearing date: 2/23/2009 Time: 1:48 pm Court reporter: Linda Ledbetter (9 minutes - printed) R. Barry Wood
	AFFD	JANET	Affidavit R. Barry Wood
2/24/2009	INHD	JANET	Hearing result for Motion held on 02/23/2009 02:00 PM: Interim Hearing Held - Parties agree to schedule motion with Judge Elgee R. Barry Wood
2/25/2009	HRSC	JANET	Hearing Scheduled (Motion 04/06/2009 03:00 PM) By TCC with Judge Elgee - Mr. Nielsen to initiate call to Mr. Brody and Elgee's chambers Robert J Elgee
		JANET	Notice Of Hearing R. Barry Wood
4/6/2009	INHD	JANET	Hearing result for Motion held on 04/06/2009 03:00 PM: Interim Hearing Held By TCC with Judge Elgee - Mr. Nielsen to initiate call to Mr. Brody and Elgee's chambers Robert J Elgee
4/13/2009	ORDR	JANET	Order denying defendant's motion for new trial R. Barry Wood
	CMIN	JANET	Court Minutes - Minutes from hearing on Motion for new trial on 4-6-09 R. Barry Wood
4/14/2009	CERT	JANET	Certificate Of Mailing - Order denying defendant's motion for new trial R. Barry Wood
5/4/2009	APSC	SANTOS	Appealed To The Supreme Court R. Barry Wood
5/20/2009	MISC	SANTOS	SC document Clerk's Certificate Filed R. Barry Wood
	MISC	SANTOS	SC Document Clerk's Record Reporters Transcript Suspended R. Barry Wood
	ORDR	SANTOS	SC Document Order conditionally Dismissing Appeal R. Barry Wood
5/29/2009	MOTN	SANTOS	Motion for Leave to withdraw as Attorney of Record R. Barry Wood
	MOTN	SANTOS	Motion for Appointment of State Appellate Public Defender R. Barry Wood
6/1/2009	ORDR	SANTOS	Order Granting Leave to withdraw as Attorney of Record R. Barry Wood
	ORDR	SANTOS	Order Appointing State Appellate Public Defender R. Barry Wood
6/8/2009	MISC	SANTOS	Clerk's Record & Transcript Due Date Reset R. Barry Wood
6/15/2009	TRAN	SANTOS	Transcript Filed for December 8, 2008 by Linda Ledbetter R. Barry Wood

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
STANLEY HOLLOWAY, *Deputy Prosecuting Attorney (ISB#3106)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

MAGISTRATE COURT

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO JR.,

Defendant.

) Case No. CR 2007-3809

)

)

)

)

CRIMINAL COMPLAINT

)

)

)

)

NOTICE IS HEREBY GIVEN that, in addition to the offense charged herein, the State of Idaho will seek the enhancement penalty, pursuant to Idaho Code Section 37-2739, for a second or subsequent offense under the Uniform Controlled Substances Act.

Personally appeared before me this 23rd day of October, 2007,
Dave Pinther, of the Minidoka County Sheriff's Department, in the County of
Minidoka, State of Idaho, who, being first duly sworn, complains of Eloy Naranjo
Jr., and charges him with the public offenses of:

MINIDOKA COUNTY, IDAHO

FILED

OCT 23 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

COUNT I
DELIVERY OF A CONTROLLED SUBSTANCE, TO-WIT:
METHAMPHETAMINE
Felony
Idaho Code Section 37-2732(a)(1)(A)

That the said defendant, Eloy Naranjo Jr., on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **DELIVERY OF A CONTROLLED SUBSTANCE, TO-WIT: METHAMPHETAMINE**, in violation of Idaho Code Section 37-2732(a)(1)(A), by then and there willfully, intentionally, unlawfully, and feloniously delivering said controlled substance to a Confidential Source.

COUNT II
FAILURE TO OBTAIN A TAX STAMP
Felony
Idaho Code Sections 63-4205 and 63-4207

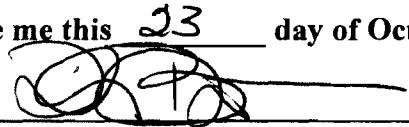
That the said defendant, Eloy Naranjo, on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **FAILURE TO OBTAIN A TAX STAMP**, in violation of Idaho Code Sections 63-4205 and 63-4207, by then and there feloniously possessing a controlled substance, to-wit: methamphetamine, without affixing thereto the appropriate stamps evidencing tax paid, pursuant to Idaho Code Section 63-4201, et. seq.

All of which is contrary to the form of the statute in said state made and provided and against the peace and dignity of the State of Idaho.

WHEREFORE, your affiant prays for a Warrant for the arrest of Eloy Naranjo Jr. and that he may be dealt with according to law.


Dave Pinther

Subscribed and sworn to before me this 23 day of October, 2007.


Magistrate Judge

DEMAND FOR NOTICE OF ALIBI DEFENSE

Pursuant to Section 19-519, Idaho Code, the Prosecuting Attorney of Minidoka County, State of Idaho, or his Deputy, does hereby make written demand upon the defendant named in the above and foregoing Complaint and that the defendant shall serve within ten (10) days or at such different times as the Court may direct, upon the Prosecuting Attorney of Minidoka County, State of Idaho, P. O. Box 368, Rupert, Idaho, 83350, a written notice of his/her intention to offer a defense of alibi. Such notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and names and addresses of the witnesses upon whom he/she intends to rely to establish such alibi.

By 
Prosecuting Attorney's Office

4

3. That on the 24th day of October, 2006, Jerome County Sgt. Blas Martinez was working in conjunction with Special Agent Lance Lenhoff of the Drug Enforcement Administration on a controlled purchase using a confidential source (CS) and Task Force Officer Javier Bustos acting in an undercover capacity.

4. Officers met with the Confidential Source at an undisclosed location where a voice transmitting device was placed on his person. The receiver would be in a vehicle with Lenhoff and Sgt. Martinez which they would be monitoring at all times.

5. Task Force officer Bustos was given \$3000.00 in U.S. Currency.

6. The Confidential Source and TFO Bustos were planning to meet with Eloy Naranjo at the Ridley's parking lot in Rupert, Idaho at approximately 1700 hours.

7. At approximately 1710 hours the CS called Naranjo using TFO Bustos telephone. The number dialed was 208-808-6545. A male answer the phone and stated to the CS that Naranjo would meet with them shortly.

8. At approximately 1718 hours the CS received a call on TFO Bustos phone. The call was from the number 208-808-6545. The male caller who the CS stated was Naranjo told the CS to go to the Naranjo's residence. Naranjo advised the CS of how to get to the residence.

9. At approximately 1737 hours the CS and TFO Bustos arrived at Naranjo's residence located at 621 East 400 North, in the County of Minidoka, State of Idaho.

10. TFO Bustos parked his vehicle in Naranjo's driveway. The CS entered Naranjo's home and TFO Bustos stayed in the vehicle.

11. Approximately five minutes later the CS exited the residence and advised TFO Bustos that Naranjo has the "stuff" referring to the crystal methamphetamine but that he wanted to see the money.

12. TFO Bustos advised the CS to tell Naranjo that he could see the money once he had seen the crystal methamphetamine. At this point a Hispanic female exited the residence and approached Bustos vehicle.

13. The female did not identify herself but pulled from her right front pants pocket a small plastic bindle that contained approximately 1 gram of crystal methamphetamine. TFO Bustos showed the female the money and told her to go tell Naranjo which she agreed to.

14. The female returned to the residence for a short period then returned to TFO Bustos vehicle with the CS and advised TFO Bustos that she would stay in the vehicle with him while the CS took the money and showed it to Naranjo. TFO Bustos gave the CS a cup with lid that contained the money and the CS went and showed the money to Naranjo.

15. The CS returned and handed the cup back to TFO Bustos with the money in it. The CS advised TFO Bustos that Naranjo had said he did not have the ¼ lb of methamphetamines, but that Naranjo would call his brother to bring the rest. The CS stated that Naranjo only had two ounces on hand.

16. The CS stated that Naranjo wanted \$1,000.00 per ounce. TFO Bustos gave the CS \$900.00 and told the CS to tell Naranjo that he would only pay \$900.00 per ounce for making him wait.

17. At this time the female asked TFO Bustos if she could get back the sample she had given him. TFO Bustos returned the crystal methamphetamine to the female. She exited the vehicle and returned to the house.

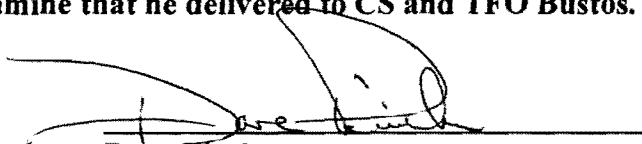
18. TFO Bustos then noticed a heavy set Hispanic male at the front porch of the residence. TFO Bustos exited his vehicle and looked at the male.

19. The CS returned to the vehicle and gave TFO Bustos a clear plastic baggie that contained the crystal methamphetamine and stated it was one ounce.

20. TFO Bustos identified Eloy Naranjo Jr. from a driver's license photo as the man who was on the front porch of the residence.


21. Once back at the pre-determined location, TFO Bustos turned over the crystal methamphetamine to SA Lance Lenhoff, who conducted a field test on the substance. The results of the test were presumptive positive for methamphetamine.

22. Eloy Naranjo Jr. failed to Affix a Tax Stamp on the once ounce of methamphetamine that he delivered to CS and TFO Bustos.


Dave Pinther

Subscribed and sworn to before me this 23 day of October,
2007.

(SEAL)


Notary Public for Idaho
Residing at Rupert, Idaho
My commission expires:

MINIDOKA COUNTY SHERIFF

MINIDOKA COUNTY, ID

FILED

OCT 25 2007

WARRANT DIVISION
10-0

SHERIFF
KEVIN K. HALVERSON
PO BOX 368 8TH & H
RUPERT, ID 83350

5th JUDICIAL DISTRICT

MAGISTRATE DIVISION

PHONE 208-434-2320

FAX 208-436-9561



NARANJO

ELOY

JR

Last Name

First

Middle

CR-07-3809

10/23/2007

DISTRICT/ BOLLAR

Warrant #

Date Issued

Department/Judge

DELIVERY OF CONT SUBS-METH / FAIL TO OBTAIN TAX STAMP

Charges

621 EAST 400 NORTH, RUPERT, ID 83350

Address

W

M

507

220

BRO

BLK

Race

Sex

Height

Weight

Skin

Eyes

Hair

Date of Birth

(aka dob)

SS#

Drivers License #

TAT R SHLD

Scars, Marks, Tattoos

ELOY, NARANJO JR

Aka Name:

History/ BATTERY/ RESISTING

TX WU-WU-WU-AU-WU-WU-AU-AU-WU-LS

891832MB3

POB

Finger Print Class

FBI#

MNU

BOND: \$ 100,000.00

DATE SERVED: 10-24-07

{ XXX }

DAY OR NIGHT

TIME SERVED:

{ }

DAY ONLY

{ }

CASH BOND ONLY

{ }

IHOT

{ XXX }

NCIC

OFFICER OR AGENCY: MC30 388

SERVICE INFORMATION

EXTRADITE STATEWIDE ONLY

WARRANT OF ARREST

ORIGINAL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR MINIDOKA COUNTY

MAGISTRATE DIVISION

STATE OF IDAHO)

) ss.

CR 2007-3809

County of Minidoka)

MINIDOKA COUNTY

SHERIFF

Received OCT 23 2007

Served By 10124101

Date 338 M130

Time 2045

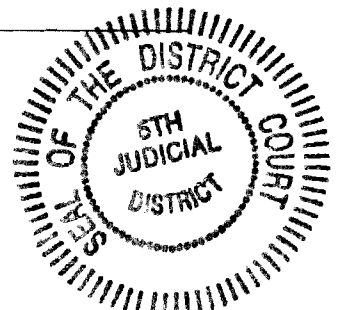
TO ANY SHERIFF, CONSTABLE, MARSHALL, OR POLICEMAN OF SAID STATE:

A Complaint on oath, having been laid before me by **Dave Pinther** and there appearing that there is probable cause to believe that a felony, namely, the crime(s) of **DELIVERY OF A CONTROLLED SUBSTANCE, TO-WIT: METHAMPHETAMINE, in violation of Idaho Code Section 37-2732(a)(1)(A), and FAILURE TO OBTAIN A TAX STAMP, in violation of Idaho Code Sections 63-4205 and 63-4207**, has been committed within the County of Minidoka, State of Idaho, and accusing **Eloy Naranjo Jr.** thereof, you are therefore commanded forthwith to arrest the above named **Eloy Naranjo Jr. of 621 East 400 North, Rupert, Idaho,** [REDACTED] ss # [REDACTED] either in day or nighttime, and bring him before me, at my office in the Minidoka County Judicial Building at the City of Rupert, County of Minidoka, State of Idaho, or in case of my absence or inability to act, before the nearest or most accessible Magistrate in said County of Minidoka, State of Idaho.

Witness my hand and seal of said court, at the City of Rupert, County of Minidoka, State of Idaho, this 23 day of October, 2007.

Magistrate Judge

BAIL: \$100,000



MINIDOKA COUNTY, IDAH

FILED

OCT 25 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

TIME: 127 - 130 A.M./P.M. CLERK: J. DENNING

VS:

DEFENDANT

OFFENSE(S) DELIVERY CONTROLLED SUBSTANCE/TAX STAMP

BOND: \$ 100,000-

DAY/NIGHT DAY ONLY INTERPRET: _____ BOB NEVAREZ
ANYTIME/PLACE MARIZZA SHOUP

[illegible]

FILED
OCT 25 20075th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

COMMITMENT -- HELD TO ANSWER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

MAGISTRATE DIVISION

HE STATE OF IDAHO CASE # CR-2007-3809

TO THE SHERIFF OF THE COUNTY OF MINIDOKA:

AN ORDER having been this day made by me that **ELOY NARANJO JR** be held to answer upon the charge of **DELIVERY CONTROLLED SUBSTANCE AND NO TAX STAMP** committed in said County of Minidoka, State of Idaho, on or about the **24TH** Day of **OCTOBER, 2006**.

YOU, THE SAID SHERIFF, are commanded to receive **ELOY NARANJO JR** into your custody, and detain **HIM** until **HE** is legally discharged.

The defendant to be admitted to bail in the sum of **\$100,000.00** DOLLARS.

DATED this **25TH** day of **OCTOBER, 2007**.

LARRY R. DUFF
MAGISTRATE

NOV 05 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
STANLEY HOLLOWAY, *Deputy Prosecuting Attorney (ISB#3106)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

MAGISTRATE COURT

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	<u>AMENDED</u>
	)	<u>CRIMINAL COMPLAINT</u>
)	
ELOY NARANJO JR.,)	
)	
Defendant.)	

NOTICE IS HEREBY GIVEN that, in addition to the offense charged herein, the State of Idaho will seek the enhancement penalty, pursuant to Idaho Code Section 37-2739, for a second or subsequent offense under the Uniform Controlled Substances Act.

Personally appeared before me this 5th day of November, 2007, Dave Pinther, of the Minidoka County Sheriff's Department, in the County of Minidoka, State of Idaho, who, being first duly sworn, complains of Eloy Naranjo Jr., and charges him with the public offenses of:

CRIMINAL COMPLAINT - 1

COUNT I
TRAFFICKING IN METHAMPHETAMINE
Felony
Idaho Code Section 37-2732B(a)(2)(A)

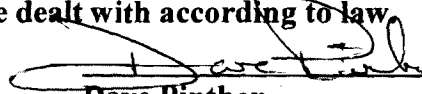
That the said defendant, Eloy Naranjo Jr., on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **TRAFFICKING IN METHAMPHETAMINE**, in violation of Idaho Code Section 37-2732B(a)(2)(A), by then and there willfully, intentionally, unlawfully, knowingly, and feloniously delivering as represented by the defendant twenty-eight (28) grams or more of methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine to a Confidential Source.

COUNT II
FAILURE TO OBTAIN A TAX STAMP
Felony
Idaho Code Sections 63-4205 and 63-4207

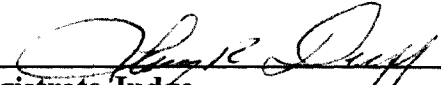
That the said defendant, Eloy Naranjo, on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **FAILURE TO OBTAIN A TAX STAMP**, in violation of Idaho Code Sections 63-4205 and 63-4207, by then and there feloniously possessing a controlled substance, to-wit: methamphetamine, without affixing thereto the appropriate stamps evidencing tax paid, pursuant to Idaho Code Section 63-4201, et. seq.

All of which is contrary to the form of the statute in said state made and provided and against the peace and dignity of the State of Idaho.

WHEREFORE, your affiant prays for a Warrant for the arrest of Eloy Naranjo Jr. and that he may be dealt with according to law

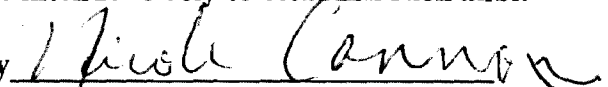

Dave Pinther

Subscribed and sworn to before me this 5 day of November, 2007.


Magistrate Judge

DEMAND FOR NOTICE OF ALIBI DEFENSE

Pursuant to Section 19-519, Idaho Code, the Prosecuting Attorney of Minidoka County, State of Idaho, or his Deputy, does hereby make written demand upon the defendant named in the above and foregoing Complaint and that the defendant shall serve within ten (10) days or at such different times as the Court may direct, upon the Prosecuting Attorney of Minidoka County, State of Idaho, P. O. Box 368, Rupert, Idaho, 83350, a written notice of his/her intention to offer a defense of alibi. Such notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and names and addresses of the witnesses upon whom he/she intends to rely to establish such alibi.

By 
Prosecuting Attorney's Office

NOV 05 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
STANLEY HOLLOWAY, *Deputy Prosecuting Attorney (ISB#3106)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

MAGISTRATE COURT

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO JR.,

Defendant.

Case No. CR-2007-3809

AFFIDAVIT OF PROBABLE CAUSE
FOR WARRANT OF ARREST

STATE OF IDAHO)

) ss.

County of Minidoka)

Dave Pinther, being first duly sworn on oath deposes and says:

- 1. That he is of the age of majority; that he is employed by the Minidoka County Sheriff's Department in the occupation of Bailiff.**
- 2. That I have reviewed the case files and reports and I am familiar with this case.**

3. That on the 24th day of October, 2006, Jerome County Sgt. Blas Martinez was working in conjunction with Special Agent Lance Lenhoff of the Drug Enforcement Administration on a controlled purchase using a confidential source (CS) and Task Force Officer Javier Bustos acting in an undercover capacity.

4. Officers met with the Confidential Source at an undisclosed location where a voice transmitting device was placed on his person. The receiver would be in a vehicle with Lenhoff and Sgt. Martinez which they would be monitoring at all times.

5. Task Force officer Bustos was given \$3000.00 in U.S. Currency.

6. The Confidential Source and TFO Bustos were planning to meet with Eloy Naranjo at the Ridley's parking lot in Rupert, Idaho at approximately 1700 hours.

7. At approximately 1710 hours the CS called Naranjo using TFO Bustos telephone. The number dialed was 208-808-6545. A male answer the phone and stated to the CS that Naranjo would meet with them shortly.

8. At approximately 1718 hours the CS received a call on TFO Bustos phone. The call was from the number 208-808-6545. The male caller who the CS stated was Naranjo told the CS to go to the Naranjo's residence. Naranjo advised the CS of how to get to the residence.

9. At approximately 1737 hours the CS and TFO Bustos arrived at Naranjo's residence located at 621 East 400 North, in the County of Minidoka, State of Idaho.

10. TFO Bustos parked his vehicle in Naranjo's driveway. The CS entered Naranjo's home and TFO Bustos stayed in the vehicle.

11. Approximately five minutes later the CS exited the residence and advised TFO Bustos that Naranjo has the "stuff" referring to the crystal methamphetamine but that he wanted to see the money.

12. TFO Bustos advised the CS to tell Naranjo that he could see the money once he had seen the crystal methamphetamine. At this point a Hispanic female exited the residence and approached Bustos vehicle.

13. The female did not identify herself but pulled from her right front pants pocket a small plastic bindle that contained approximately 1 gram of crystal methamphetamine. TFO Bustos showed the female the money and told her to go tell Naranjo which she agreed to.

14. The female returned to the residence for a short period then returned to TFO Bustos vehicle with the CS and advised TFO Bustos that she would stay in the vehicle with him while the CS took the money and showed it to Naranjo. TFO Bustos gave the CS a cup with lid that contained the money and the CS went and showed the money to Naranjo.

15. The CS returned and handed the cup back to TFO Bustos with the money in it. The CS advised TFO Bustos that Naranjo had said he did not have the ¼ lb of methamphetamines, but that Naranjo would call his brother to bring the rest. The CS stated that Naranjo only had two ounces on hand.

16. The CS stated that Naranjo wanted \$1,000.00 per ounce. TFO Bustos gave the CS \$900.00 and told the CS to tell Naranjo that he would only pay \$900.00 per ounce for making him wait.

17. At this time the female asked TFO Bustos if she could get back the sample she had given him. TFO Bustos returned the crystal methamphetamine to the female. She exited the vehicle and returned to the house.

18. TFO Bustos then noticed a heavy set Hispanic male at the front porch of the residence. TFO Bustos exited his vehicle and looked at the male.


19. The CS returned to the vehicle and gave TFO Bustos a clear plastic baggie that contained the crystal methamphetamine and stated it was one ounce.

20. TFO Bustos identified Eloy Naranjo Jr. from a driver's license photo as the man who was on the front porch of the residence.

21. Once back at the pre-determined location, TFO Bustos turned over the crystal methamphetamine to SA Lance Lenhoff, who conducted a field test on the


substance. The results of the test were presumptive positive for methamphetamine. Subsequently the suspected methamphetamine was sent to the D.E.A. Western Laboratory for analysis and tests results were positive for methamphetamine.

22. Eloy Naranjo Jr. failed to Affix a Tax Stamp on the once ounce of methamphetamine that he delivered to CS and TFO Bustos.


Dave Pinther

Subscribed and sworn to before me this 5 day of
Nov, 2007.

(SEAL)


Notary Public for Idaho
Residing at Rupert, Idaho
My commission expires:

MINIDOKA COUNTY IDAHO
FILED
NOV 9 3 2007
5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

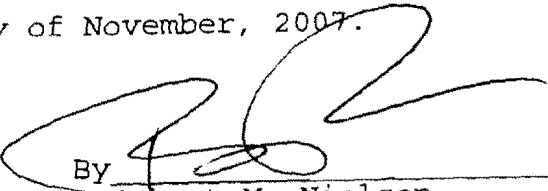
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

STATE OF IDAHO,	)	Case No. CR-2007-3809*M
)	
Plaintiff,)	
)	
vs.	)	WAIVER OF TIME FOR
	)	PRELIMINARY HEARING
E. NARANJO, JR.,)	
D.O.B. 04/28/1960)	
)	
Defendant.)	

COMES NOW, ELOY NARANJO, JR., Defendant herein, by and through his attorney of record, Robert M. Nielsen of Rupert, Idaho, and waives his right pursuant to Rule 5.1 of the Idaho Criminal Rules to have a Preliminary Hearing within 21 days from the date of his initial appearance and advises the Clerk of this Court that this matter may be scheduled at any later date convenient to the Court and counsel.

1
2 DATED this 8th day of November, 2007.

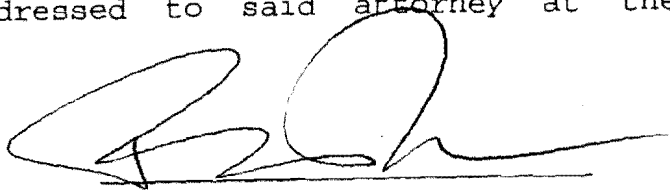
3
4 By 
5 Robert M. Nielsen
6 Attorney for Defendant

7 CERTIFICATE OF MAILING

8 I hereby certify that on the 8th day of November, 2007, I
9 served a copy of the foregoing WAIVER OF TIME FOR PRELIMINARY
10 HEARING upon:

11 Nicole L. Cannon
12 Minidoka County Prosecuting Attorney
13 715 G Street
14 P.O. Box 368
15 Rupert, ID 83350

16 by depositing a copy thereof in the United States mail, postage
17 prepaid, in an envelope addressed to said attorney at the
18 foregoing address.

19
20
21
22
23
24
25
26
27
28

Robert M. Nielsen
Attorney for Defendant

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

MINIDOKA COUNTY 1
FILED

NOV 5 2007
MINIDOKA DISTRICT COURT
MAGISTRATE DIVISION

1
2 Robert M. Nielsen, Esq.
3 Attorney at Law
4 548 E Street
5 P.O. Box 706
6 Rupert, Idaho 83350
7 Telephone: (208) 436-4678
8 Facsimile: (208) 436-0551
9 ISB# 1335

10 Attorney for Defendant

11
12
13 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
14 STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
15 MAGISTRATE DIVISION


16
17 STATE OF IDAHO,
18
19 Plaintiff,
20
21 vs.
22
23 ELOY NARANJO, JR.,
24
25 Defendant.

Case No. CR-2007-3809

REQUEST FOR
PRELIMINARY HEARING

26
27 COMES NOW, ELOY NARANJO, JR., Defendant herein, by and
28 through his attorney of record, Robert M. Nielsen, Rupert, Idaho,
and pursuant to Rule 5.1, Idaho Criminal Rules, requests a
Preliminary Hearing herein. Defendant further advises the Court
that at the time of this request he is not in custody.

DATED this 8th day of November, 2007.


Robert M. Nielsen
Attorney for Defendant

21


ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

CERTIFICATE OF MAILING

I hereby certify that on the 8 day of November, 2007,
I served a copy of the foregoing REQUEST FOR PRELIMINARY HEARING
upon:

Nicole L. Cannon
Minidoka County Prosecutor
P.O. Box 368
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail, postage
prepaid, in an envelope addressed to said attorney at the
foregoing address.


Robert M. Nielsen
Attorney at Law

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

MINIDOKA COUNTY IDAH
FILED
NOV 9 2007
5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO, JR.,

Defendant.

Case No. CR-2007-3809*M

MOTION TO REDUCE AND
CONSOLIDATE BOND

COMES NOW the Defendant, ELOY NARANJO, JR., by and through his attorney of record, Robert M. Nielsen of Rupert, Idaho, and moves the Court pursuant to Rules 46 and 47 ICR and Title 19, Chapter 29 Idaho Code for an Order Reducing Bond presently set at One Hundred Thousand and NO/100 Dollars (\$100,000.00) to the sum of Fifteen Thousand and NO/100 Dollars (\$15,000.00) cash or surety pursuant to an Order of the Honorable Rick L. Bollar, Magistrate Judge entered herein on or about the 23rd day of October, 2007 and that said bond be consolidated with the bond set in Cassia County District Case No. CR-2004-0169 D which will also be set at Fifteen Thousand and No/100 Dollars (\$150,000.00) pursuant to an Order of the Honorable Michael R.

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

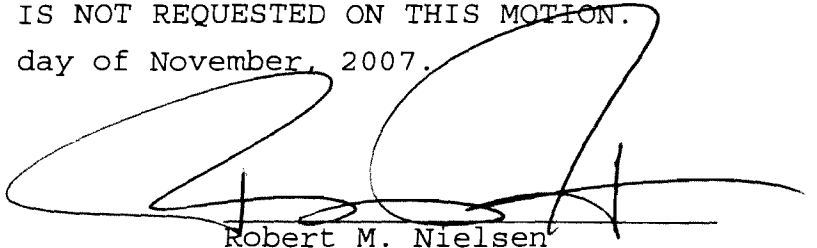
1
2 Crabtree, District Judge entered therein on or about the date
3 hereof. The total consolidated bond for both cases would be the
4 sum of Thirty Thousand and No/100 Dollars (\$30,000.00) if this
5 Motion is granted.

6 This Motion is made on the grounds and for the reasons
7 that Defendant has been arraigned on the Bench Warrant; the
8 Defendant has agreed to waive his time for Hearing on the
9 Probation Violation; the undersigned attorney has agreed to
10 represent the Defendant through the course of these proceedings;
11 the Defendant should be allowed to post said surety bond in the
12 total sum of Thirty Thousand and No/100 Dollars (\$30,000.00); the
13 Defendant will agree to the conditions that he sign up with the
14 Mini-Cassia Misdemeanor Probation Office immediately upon his
15 release and that he be required to submit to random uranilysis
16 tests for controlled substances at his own expense and that if he
17 fails to test or fails any of such tests his bond will be
18 immediately revoked and he shall be immediately incarcerated; and
19 the Defendant and his attorney will appear at all times ordered
20 by the Court.

21 Your movant further advises the Court that he has
22 discussed this Motion with the Prosecuting Attorney for Minidoka
23 County, Nicole L. Cannon, and said attorney has no objection to
24 this Motion being granted.

25 ORAL ARGUMENT IS NOT REQUESTED ON THIS MOTION.

26 DATED this 7th day of November, 2007.

27
28

Robert M. Nielsen
Attorney at Law

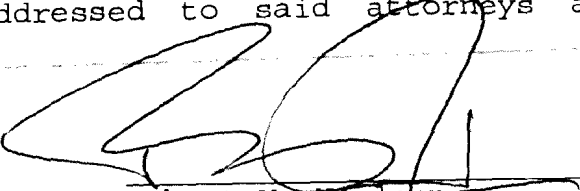
CERTIFICATE OF MAILING

I hereby certify that on the 8th day of November, 2007, I caused a true and correct copy of the foregoing **MOTION TO REDUCE AND CONSOLIDATE BOND** upon:

Nicole L. Cannon
Minidoka County Prosecutor
P.O. Box 368
Rupert, ID 83350

Blaine P. Cannon
Cassia County Deputy Prosecutor
1918 Overland Avenue
P.O. Box 7
Burley, ID 83318

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said attorneys at the foregoing addresses.


Robert M. Nielsen
Attorney at Law

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

NOV 09 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
Attorney at Law
548 E. Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

STATE OF IDAHO,)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	ORDER REDUCING AND
	)	CONSOLIDATING BOND
ELOY NARANJO, JR.,)	
)	
Defendant.)	

THIS MATTER, having come before the Court pursuant to Defendant's Motion to Reduce and Consolidate Bond pursuant to Rules 46 and 47 ICR as well as the provisions of Title 19, Chapter 29 Idaho Code. Defendant Eloy Naranjo, Jr. appeared by and through his attorney of record, Robert M. Nielsen, Rupert, Idaho and Plaintiff, State of Idaho appeared through its attorney of record, Nicole L. Cannon, Minidoka County Prosecuting Attorney. The Court having reviewed said Motion, the pleadings on file herein, and having reviewed the provisions of Rule 46 ICR and having heard no objection from the attorney for Plaintiff, State of Idaho, and the Court being fully advised in the premises.

IT IS HEREBY ORDERED that the bond heretofore set in Minidoka County Magistrate Case No. CR-2007-3809 on or

ORDER REDUCING AND
CONSOLIDATING BOND

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

ROBERT M. NIELSEN

ATTORNEY AT LAW

P.O. BOX 706

RUPERT, IDAHO 83350

1
2 about October 23, 2007 in the sum of One Hundred Thousand
3 and NO/100 Dollars (\$100,000.00) be, and the same is hereby
4 reduced to the sum of Fifteen Thousand and No/100 Dollars
5 (\$15,000.00) and consolidated with Cassia County District
6 Case No. CR-2004-0169 in the sum of Fifteen Thousand and
7 No/100 Dollars (\$15,000.00) resulting in a total bond for
8 both cases in the sum of Thirty Thousand and NO/100 Dollars
9 (\$30,000.00) cash or surety on the following terms and
10 conditions, to-wit:

11 1. That Defendant and his attorney appear at all
12 times ordered by the Court; and

13 2. That Defendant file a Waiver of Time for
14 Preliminary Hearing; and

15 3. That Defendant post bond in the sum of
16 Fifteen Thousand and NO/100 Dollars (\$15,000.00) cash or
17 surety for this case; and

18 4. That Defendant shall sign up with the Mini-
19 Cassia Probation Office immediately upon his release and
20 that he be required to submit to random urinalysis tests for
21 controlled substances at his own expense and that if he
22 fails to test or fails any of such tests his bond will be
23 immediately revoked and he shall be immediately
24 incarcerated.

25 IT IS FURTHER ORDERED that if Defendant posts said
26 cash or surety bond in the sum of Fifteen Thousand and
27 NO/100 Dollars (\$15,000.00), he shall be released on
28 condition that he comply with each and every condition of
this Order and in the event Defendant fails to so comply, he
shall be incarcerated until further order of this Court.

DATED this 9th day of November, 2007.


Magistrate Judge

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

CLERK'S CERTIFICATE OF MAILING


I hereby certify that on the 09 day of November, 2007,
I served a copy of the foregoing ORDER REDUCING AND
CONSOLIDATING BOND upon:

Nicole L. Cannon - *basket*
Minidoka County Prosecutor
P.O. Box 368
Rupert, ID 83350

Blaine P. Cannon - *faxed*
Cassia County Deputy Prosecutor
1918 Overland Avenue
P.O. Box 7
Burley, ID 83318

Robert M. Nielsen - *basket*
Attorney at Law
P.O. Box 706
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail,
postage prepaid, in an envelope addressed to said attorneys
at the foregoing addresses.


Clerk of the Court

Instrument # 493854

MINIDOKA COUNTY, RUPERT, IDAHO
 2007-11-08 02:01:31 No. of Pages: 8
 Recorded for: ROBERT M NIELSEN
 DUANE SMITH Fee: 24.00
 Ex-Officio Recorder Deputy

Ja

MINIDOKA COUNTY, IDAHO
 FILED
 NOV 09 2007

5th JUDICIAL DISTRICT COURT
 MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
 Attorney at Law
 548 E Street
 P.O. Box 706
 Rupert, Idaho 83350
 Telephone: (208) 436-4678
 Facsimile: (208) 436-0551
 ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
 MAGISTRATE DIVISION

ROBERT M. NIELSEN
 ATTORNEY AT LAW
 P.O. BOX 706
 RUPERT, IDAHO 83350

STATE OF IDAHO,	)	Case No. CR-2007-3809 M
)	
Plaintiff,)	
)	
vs.	)	<u>BAIL BOND</u>
)	
ELOY NARANJO, JR.,)	
)	
Defendant.)	

AN ORDER having been made on or about the 23rd day of
 October, 2007, by the Honorable Rick L. Bollar, Magistrate Judge
 of the above-entitled Court that ELOY NARANJO, JR., Defendant, be
 held to answer and appear upon a charge of Trafficking in
 Controlled Substances and Failure to Affix Drug Stamp upon which
 he was originally admitted to bail in the total sum of One
 Hundred Thousand and NO/100 Dollars (\$100,000.00); and

UPON MOTION of Robert M. Nielsen, attorney for
 Defendant, for an Order Reducing and Consolidating Bail on
 certain conditions and an Order having been entered pursuant
 thereto reducing and consolidating bail to the sum of Fifteen
 Thousand and No/100 Dollars (\$15,000.00) in this case and the

ROBERT M. NIELSEN

ATTORNEY AT LAW

P.O. BOX 706

RUPERT, IDAHO 83350

1
2 additional sum of Fifteen Thousand and No/100 Dollars (\$15,000.00)
3 in Cassia County District Case No. CR-2004-0169 D making a total
4 Bail in both cases of Thirty Thousand and NO/100 Dollars
5 (\$30,000.00) upon certain conditions; and

6 WHEREAS, we, ROBERT NARANJO, a single person and
7 resident of Minidoka County, Idaho residing at 485 El Centro,
8 Heyburn, Idaho 83336 and GILBERT A. NARANJO and YOLANDA NARANJO,
9 husband and wife, residents of Minidoka County, Idaho, residing at
10 2280 Kyro, Heyburn, Idaho 83336, and ELOY NARANJO, JR. and TRISHA
11 NARANJO, husband and wife, residents of Minidoka County, Idaho,
12 residing at 691 East 400 North, Rupert, Idaho 83350, hereby agree
13 to post bail for said Defendant and we are the owners of the
14 herein below described real property located in the County of
15 Minidoka, State of Idaho, more particularly described on Exhibits
16 "A", "B", and "C", attached hereto and incorporated herein by
17 reference.

18 And said sureties' equity in the hereinabove described
19 real property is well in excess of the bail set by the Order of
20 the above-entitled Court; bail set by Order of the above-entitled
21 Court; said properties are not exempt from execution and the
22 cumulative fair market value of said property is well in excess
23 of \$75,000.00 after deducting all encumbrances.

24 NOW, THEREFORE, we, ROBERT NARANJO, GILBERT A NARANJO,
25 YOLANDA NARANJO, ELOY NARANJO, JR., and TRISHA NARANJO, hereby
26 undertake that the above-named Defendant, ELOY NARANJO, JR., will
27 appear and answer to the charges above mentioned, in whatever
28 court they may be prosecuted, and will at all times hold himself
amenable to the Order and process of the Courts, and if convicted
will appear for judgment and render himself in execution thereof;
or if he fails to perform any of these conditions, that we will
pay to the people of the State of Idaho, the sum of Fifteen
Thousand and NO/100 Dollars (\$15,000.00).

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

DATED this 8th day of November, 2007.

Robert Naranjo
ROBERT NARANJO

Gilbert Naranjo
GILBERT A. NARANJO

Yolanda Naranjo
YOLANDA NARANJO

Eloy Naranjo Jr.
ELOY NARANJO, JR.

Trisha Naranjo
TRISHA NARANJO

STATE OF IDAHO)
County of Minidoka) : ss

ROBERT NARANJO, GILBERT A. NARANJO, YOLANDA NARANJO, ELOY NARANJO, JR., and TRISHA NARANJO, the sureties whose names are subscribed to the foregoing undertaking, being severally duly sworn, each says:

That they are residents and holders of real property within the State of Idaho; that they are worth the amount stated in said undertaking and as a penalty thereof, over and above all their debts and liabilities, exclusive of property exempt from execution, and said sureties specifically waive any rights they have to a Homestead Exemption in said property pursuant to the provisions of Title 55 Chapter 10, Idaho Code.

Robert Naranjo
ROBERT NARANJO

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

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Gilbert A. Naranjo
GILBERT A. NARANJO

Yolanda Naranjo
YOLANDA NARANJO

Eloy Naranjo, Jr.
ELOY NARANJO, JR.

Trisha Naranjo
TRISHA NARANJO

SUBSCRIBED AND SWORN to before me this 8th day of
November, 2007.

ROBERT M. NIELSEN
NOTARY PUBLIC
STATE OF IDAHO

[Signature]
Notary Public for Idaho
Residing at: Rupert
My Comm. Expires: 6/10/11

APPROVED AND ACCEPTED by the Court this 9th day of
November, 2007



[Signature]
Rick L. Bollar
Magistrate Judge

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the 9th day of November, 2007,
I served a copy of the foregoing BAIL BOND upon:

Blaine P. Cannon
Cassia County Deputy Prosecutor
1918 Overland Avenue
P.O. Box 7
Burley, ID 83318

Nicole L. Cannon
Minidoka County Prosecutor
P.O. Box 368
Rupert, ID 83350

Robert M. Nielsen
Attorney at Law
P.O. Box 706
Rupert, ID 83350

by depositing a copy thereof in the United States mail, postage
prepaid, in an envelope addressed to said attorneys at the
foregoing addresses.

CLERK OF THE COURT


By: Deputy Clerk

EXHIBIT A

LOT 15 IN COLONIA RIO VISTA SUBDIVISION TO THE CITY OF
HEYBURN, MINIDOKA COUNTY, IDAHO, ACCORDING TO THE OFFICIAL
PLAT THEREOF, NEW ON FILE IN THE OFFICE OF THE COUNTY
RECORDER, MINIDOKA COUNTY, IDAHO, RECORDED JULY 17, 1959 IN
BOOK 8 MISCELLANEOUS, PAGE 248, MINIDOKA COUNTY RECORDS.

Permanent Parcel Number: RPH2150000015AA
ROBERT A. NARANJO, A SINGLE PERSON

485 EL CENTRO, HEYBURN ID 83336
Loan Reference Number : 20030851700390
First American Order No: 4168867

398285

WARRANTY DEED

For Value Received

BRADLEY E. SHOCKEY and DORIS M. SHOCKEY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

GILBERT A. NARANJO and YOLANDA NARANJO, husband and wife
ADDRESS: 2280 Kyro, Heyburn, Idaho 83336

Hereinafter called the Grantee, the following described premises situated in Minidoka County, Idaho,
to-wit:

Lot 53 of the McBride Subdivision (Amended) to the City
of Heyburn, Minidoka County, Idaho, as the same is platted
in the official plat thereof, now of record in the office
of the Recorder of said County.

SUBJECT TO:

All reservations in Patents or Deeds in the chain of title.

Taxes for 1991 and subsequent years.

Any assessments levied, or to be levied, by the City of
Heyburn.

Restrictive Covenants for McBride Subdivision, recorded
January 29, 1962 as Instrument No. 154945 on Film No. 8
in the office of the Recorder of Minidoka County, Idaho.
AMENDED BY: Amendment to Restrictive Covenants recorded
April 2, 1973 as Instrument No. 232335, records of Minidoka
County, Idaho.

Easement as shown on the recorded plat of McBride Subdivision
(Amended).

REAL PROPERTY

TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 4: Part of the NE~~1~~NE~~4~~ more particularly
described as follows:

Beginning at the NE corner of
Section 4, Township 9 South, Range
25 East of the Boise Meridian. Said
corner marked by a brass cap. Thence
North 88°59'00" West along a section
line for 474.98 feet to the True
Point of Beginning; Thence South
0°09'45" East for a distance of
356.10 feet to a ½" iron pin; Thence
North 88°59'00" West a distance of
244.65 feet to a ½" rebar; Thence
North 0°09'45" West a distance of
356.10 feet to a PK nail on Section
line; Thence South 88°59'00" East a
distance of 244.65 feet.

This parcel contains 2.00 acres.

NOV 16 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

STATE OF IDAHO,
Plaintiff,
vs.
ETCH NARANJO, JR.,
DOB: 04-28-1960
Defendant.

Case No. CR-2007-3809

APPEARANCE AND
ACKNOWLEDGMENT OF
CONSTITUTIONAL RIGHTS

COMES NOW, the defendant above named, pursuant to Rules 5 and 20 of the Idaho Criminal Rules and Rule 6 of the Idaho Misdemeanor Criminal Rules and represents to the Court as follows:

1. That your Defendant's true and correct name is as above stated and that your Defendant's age is 47 years.

2. That your Defendant resides at the following address:
691 East 400 North, Rupert, Idaho 83350. That your Defendant's telephone No. is 878-2047. That your Defendant is unemployed.

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350


1
2 3. That your Defendant acknowledges that on the 5th day of
3 November, 2007, an Amended Complaint was filed, charging the
4 Defendant with the following violations, to-wit: § 37-2732 B(A) (3)
5 and § 63-4205, Idaho Code.

6 4. That your Defendant and the undersigned attorney
7 acknowledge that the Defendant has been advised of the nature of
8 the above charge and that your Defendant's attorney has advised
9 the defendant of the constitutional rights set out on Exhibit "A"
10 attached hereto and by reference made a part hereof.

11 5. That your Defendant has retained the undersigned attorney
12 and hereby tenders a plea to the above charge of:
13 () GUILTY (X) NOT GUILTY.

14 6. That defendant (X) DEMANDS () WAIVES a trial by
15 jury.

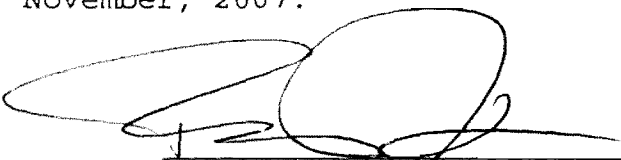
16 DATED this 15th day of November, 2007.


ELOY NARANJO, JR.
DEFENDANT

17
18 CERTIFICATION

19
20 THIS IS TO CERTIFY THAT the undersigned is an attorney duly
21 licensed to practice law in the State of Idaho, that he has
22 advised the above named defendant of the nature of the charges
23 against Defendant and of the attached constitutional rights
24 (Exhibit "A") and defendant has executed the above Acknowledgment
25 in the presence of and with the approval of the undersigned.

26 DATED this 15th day of November, 2007.

27 
Robert M. Nielsen
28 Attorney at Law

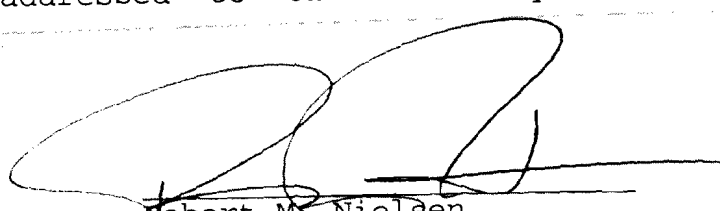
ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of November, 2007, I served a copy of the foregoing APPEARANCE AND ACKNOWLEDGEMENT OF CONSTITUTIONAL RIGHTS upon:

Nicole L. Cannon
Minidoka County Prosecuting Attorney
P.O. Box 368
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said attorney at the foregoing address.


Robert M. Nielsen
Attorney for Defendant

ROBERT M. NIELSEN

ATTORNEY AT LAW

P.O. BOX 706

RUPERT, IDAHO 83350

STATEMENT OF DEFENDANT'S RIGHTS IN FELONY CASES

1. You have the right to remain silent; any statement you make can be used against you. You cannot be compelled to incriminate yourself.
2. You have the right to bail. The amount and type of bail or release on your recognizance is determined by the judge after considering factors provided by law.
3. You have the right to have an attorney represent you at all stages of these proceedings; if you are poor and unable to afford counsel, you may apply to the Court for the appointment of an attorney to represent you at public expense.
4. At your arraignment you will be advised of the maximum penalties for the Felony charge(s) against you. By signing this statement, you acknowledge that your attorney has also advised you of said maximum penalties.
5. You have the right to a preliminary hearing within fourteen (14) days of this date if you are being held in custody or within twenty-one (21) days if you are not being held in custody. A preliminary examination is a hearing to determine if an offense has been committed and if there is probable cause to believe that you committed the offense. If you waive your right to a preliminary hearing, you will be ordered to appear in the District Court and answer the charge(s) pending against you.
6. You cannot enter a plea to the charge(s) at your appearance in Magistrate Court but you may enter a plea of guilty or not guilty at the time you are arraigned in District Court.
7. If you plead **NOT GUILTY** at your District Court arraignment, the Court will set a trial date and you or your attorney will be notified of that date.
8. You have the right to a jury trial, or you may waive the jury and have the matter tried before the Court. At the trial, the prosecution has to prove you guilty beyond a reasonable doubt. Any guilty verdict by a jury must be unanimous.
9. You have the right to confront or ask questions of any witness who testifies against you; and to compel the attendance of witnesses on your own behalf without expense to you.

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

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10. If you plead GUILTY in the District Court, you waive or give up all of the above rights and you waive or give up any defenses you may have to the complaint filed against you. Specifically, by pleading guilty you waive or give up your right against compulsory self-incrimination, which is the right to remain silent or not to incriminate yourself. You also waive or give up your right to a trial by jury and your right to confront witnesses against you.


11. If you plead GUILTY in the District Court, the court will set a date for sentencing at which time you will be given the opportunity to make a statement by way of explanation or mitigation.

12. In addition to any fine imposed by the Court upon a conviction, there are Court costs.

13. You have the right to appeal any conviction or sentence of the District Court to the Idaho Supreme Court. The appeal must be filed within forty-two (42) days after the judgment of conviction is entered.

I acknowledge that I have read this statement and fully understand its contents.

DATED the 15th day of November, 2007.


ELOY NARANJO, JR.
DEFENDANT

NOV 16 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

STATE OF IDAHO,)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	REQUEST FOR DISCOVERY
)	
ERICK NARANJO, JR.)	
D.O.B. 04/28/1960)	
)	
Defendant.)	

TO: NICOLE L. CANNON, PROSECUTING ATTORNEY FOR THE COUNTY OF
MINIDOKA, STATE OF IDAHO

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16
of the Idaho Criminal Rules, requests discovery and inspection of
the following information, evidence and materials:

1. Any relevant written or recorded statements made by the
defendant, or copies thereof, within the possession, custody or
control of the State.

2. The substance of any relevant, oral statement made by the
defendant whether before or after arrest to a peace officer,

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

ROBERT M. NIELSEN

ATTORNEY AT LAW

P.O. BOX 706

RUPERT, IDAHO 83350

1
2 prosecuting attorney or his agent.

3 3. A copy of Defendant's motor vehicle violations record, if
4 any, as is or may hereafter become available to you.

5 4. Books, papers, documents, photographs, tangible objects,
6 or copies or portions thereof, which are in the possession,
7 custody or control of the prosecuting attorney and which are
8 material to the preparation of the defense, or intended for use by
9 the prosecutor as evidence at trial, or obtained from or belonging
10 to the Defendant.

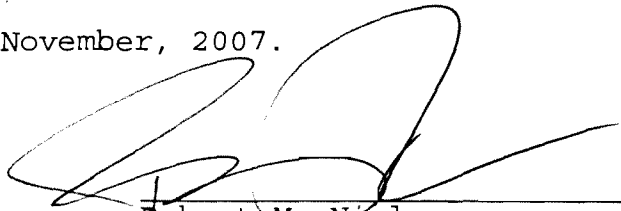
11 5. Any results or reports of scientific tests made in
12 connection with this particular case, or copies thereof, within
13 the possession, custody or control of the prosecuting attorney,
14 including the results of any and all tests of the blood, breath,
15 urine, saliva, or any other body substance taken from the
16 defendant in connection with the above captioned case.

17 6. List of the names and addresses of all persons having
18 knowledge of relevant facts who may be called by the State as
19 witnesses at the trial, including the statements made by the
20 prosecution witnesses or prospective prosecution witnesses to the
21 prosecuting attorney or his agents or to any individual involved
22 in the investigatory process of this case.

23 7. Reports or memorandum in your possession, which were made
24 by a police officer or investigator in connection with the
25 investigation or prosecution of this case.

26 8. Any video or audio tapes made by a police officer or
27 investigator of the defendant either prior to or subsequent to the
28 Defendant's arrest.

DATED this 15 day of November, 2007.

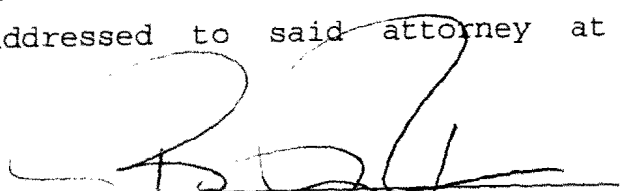

Robert M. Nielsen
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of November, 2007, I served a copy of the foregoing REQUEST FOR DISCOVERY upon:

Nicole L. Cannon
Minidoka County Prosecuting Attorney
P.O. Box 368
Rupert, Idaho 83350

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said attorney at the foregoing address.


Robert M. Nielsen

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

MINIDOKA COUNTY
FILED
DEC 03 20**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*STANLEY HOLLOWAY, *Deputy Prosecuting Attorney (ISB#3106)*

715 G. Street, P. O. Box 368

Rupert, ID 83350

Office: (208)436-7187

Facsimile: (208) 436-3177

5th JUDICIAL DISTRICT
MAGISTRATE DIVISION**ATTORNEYS FOR STATE OF IDAHO**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE

OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,

Case No. CR-2007-3809

Plaintiff,

vs.

REQUEST FOR DISCOVERY

ELOY NARANJO, JR.,

Defendant.

TO: Robert M. Nielsen, Attorney of Record for the above-named defendant.

COMES NOW, the Minidoka County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and does hereby request, pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1. To furnish the Prosecuting Attorney's Office with copies of any photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody, or control of the defendant, and which defendant intends to introduce in

evidence at the trial.

2. To provide the Prosecuting Attorney's Office with copies of any results or reports of physical or mental examinations and scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

3. To furnish the Prosecuting Attorney's Office a list of names, addresses, and phone numbers of witnesses he intends to call at trial as well as a detailed summary of said witness' expected testimony.

4. Please provide, pursuant to I.R.E. 705, the names, addresses and credentials of expert witnesses expected to testify at the trial of this cause. Also set forth the facts and data upon which the expert(s) will rely, and the opinion(s) to be given by such expert(s).

5. That if, subsequent to compliance with this request and prior to or during trial, the defendant discovers additional witnesses, or decides to use any additional evidence, or witnesses, and such evidence is or may be subject to discovery and inspection under prior order of this court, that the defendant promptly notify the Prosecuting Attorney's Office and the court of the existence of additional evidence and/or names of additional witnesses to allow the State to make an appropriate motion for additional discovery or inspection.

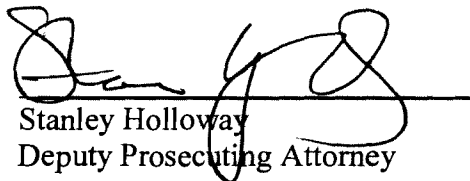
In addition to the above requested information pursuant to Rule 16 of the Idaho Criminal Rules, Stanley Holloway, Deputy Prosecuting Attorney for Minidoka County, hereby request, pursuant to Rule 12.1 and Idaho Code Section 19-519, the defendant to furnish to the Prosecuting Attorney's Office within ten (10) days or at such other time as the court directs,

Defendant's Notice of Alibi and Notice of Defense of Alibi stating specifically the place or places at which the defendant claims to have been at the time of the alleged offense(s) and the name(s) and address(es) of the witness(es) upon whom he intend to rely to establish such alibi.

In addition if prior to or during trial defendant learns of additional witnesses whose identity should have been included as required in Subsection 1 of Idaho Code Section 19-519, the defendant shall promptly notify the Prosecuting Attorney's Office of the existence and identity of the witnesses.

The undersigned further requests permission to inspect and copy said information, evidence, and materials if they have not been received in this office within two weeks of the date of this request.

DATED this 3 day December 2007.


Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of December, 2007, I delivered a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Robert M. Nielsen

P. O. Box 706

Rupert, ID 83350

_____ By depositing copies of the same in the United States mail, postage prepaid, at the post office in Rupert, Idaho.

_____ By hand delivering copies of the same to the office of the attorneys(s) at his office at the address stated above.

☒ By placing copies of the same in the attorney's basket located in the Clerk's Office in the Judicial Annex, Minidoka County Courthouse.

_____ By telecopying copies of the same to said attorneys(s) at the telecopied number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office in Rupert, Idaho.


Kim Bourn

ORIGINAL

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
STANLEY HOLLOWAY, *Deputy Prosecuting Attorney (ISB#3106)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

MINIDOKA COUNTY, ID

FILED

DEC 03 2007

5th JUDICIAL DISTRICT CC
MAGISTRATE DIVISION

ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY
ELOY NARANJO, JR.,)	
)	
Defendant.)	
)	

COMES NOW, the Minidoka County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following response to the Request for Discovery pursuant to Idaho Criminal Rule 16:

The State of Idaho has complied with such request by:

- A. Attaching or disclosing any material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore.
- B. Attaching copies of reports and memoranda in possession of the prosecuting

attorney which were made by a police officer or investigator in connection with the investigation or prosecution of the case.

C. Attaching a copy of the defendant's prior criminal record that is within the knowledge of the prosecuting attorney.

D. Attaching copies of statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case, unless a protective order is issued as provided in Criminal Rule 16 (k).

E. Attaching pages D-1 through D-25. Although the State has made every effort to fully comply with its duty to disclose evidence pursuant to Idaho Criminal Rule 16, that does not alleviate the defendant or defense counsel of his/her responsibility to inspect and or copy evidence mentioned in sections F and G. *Audio and/or surveillance have been requested but have not been received by the Prosecutor's Office at this time.*

F. Permitting the defendant to inspect and copy or photograph any relevant written or recorded statements made by the defendant that are in the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged. If these items exist, they are disclosed in the State's discovery response and attachments (see section E above) and in any supplemental responses and attachments.

G. Permitting the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney. The defendant is permitted to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant. If these items exist, they are disclosed in the State's discovery response and attachments (see section E above) and in any supplemental responses and attachments.

H. Permitting the defendant to inspect and/or copy the items mentioned in sections F and G, which are in the possession of the following prosecuting/police agencies:

Minidoka County Prosecuting Attorney's Office, DEA, Jerome Task Force

Reasonable arrangements for inspection and/or copying materials within the possession of the Minidoka County Prosecuting Attorney's Office may be made by phoning (208) 436-7187.

In order to assist in facilitating the defendant/defense counsel in the inspection/copying of the materials mentioned in sections F and G, the State has attached a release.

I. Providing the following substance of any relevant oral statements made by a defendant or co-defendant to the Minidoka County Prosecuting Attorney or his agents: Any oral statements identified in the reports and/or recordings provided with, or identified in this report.

J. Providing the following witness list:

WITNESS

All persons listed on the chain of custody sheets attached to evidence in this case

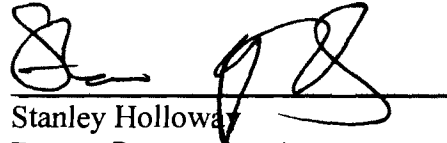
Blas Martinez, Lance Lenhoff, Javier Bustos, Confidential source, Steve Robinson, Scott Hoopes

Any prior felony convictions of these individuals that are within the knowledge of the prosecuting attorney are attached with the documents in subsection D.

The State reserves the right to call any of the above listed witnesses and use any of the evidence referred to in this Response to Request for Discovery, Supplemental Response(s) to Request for Discovery, and the accompanying attachments of those documents at trial.

The State reserves the right to supplement discovery as information becomes available
and to call any or all witnesses listed by the Defense.

DATED this 3 day of December 2007.


Stanley Holloway
Deputy Prosecuting Attorney

CERTIFICATE OF MAILING

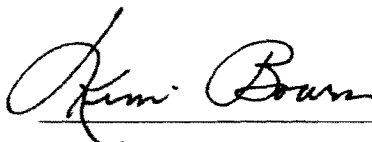
I hereby certify that on this 3rd day of December, 2007, I delivered a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Robert M. Nielsen

P. O. Box 706

Rupert, ID 83350

- ☐ By depositing copies of the same in the United States mail, postage prepaid, at the post office in Rupert, Idaho.
- ☐ By hand delivering copies of the same to the office of the attorneys(s) at his office at the address stated above.
- ☒ By placing copies of the same in the attorney's basket located in the Clerk's Office in the Judicial Annex, Minidoka County Courthouse.
- ☐ By telecopying copies of the same to said attorneys(s) at the telecopied number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office in Rupert, Idaho.



Kim Bourn

MINIDOKA COUNTY, IDAHO

FILED

DEC 05 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, Deputy Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#2778)
STANLEY HOLLOWAY, Deputy Prosecuting Attorney (ISB#3106)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO JR.,


Defendant.

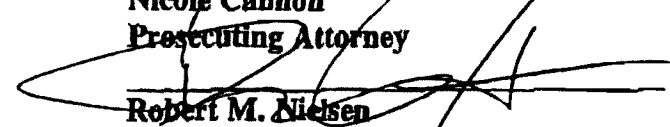
) Case No. CR-2007-3809

) **STIPULATION FOR**
) **CONTINUANCE**

COMES NOW, Nicole Cannon, Prosecuting Attorney in and for Minidoka County, State of Idaho, and Robert M. Nielsen, attorney for the defendant, does hereby stipulate to continue the Preliminary Hearing heretofore scheduled for December 5, 2007, for and on the grounds that the State's witness will be in training and is unavailable for court.

DATED this 4th **day of** December, 2007.


Nicole Cannon
Prosecuting Attorney


Robert M. Nielsen
Attorney for the Defendant

MINIDOKA COUNTY IDAHO
FILED
DEC 05 2007
FIFTH JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, Deputy Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#2778)
STANLEY HOLLOWAY, Deputy Prosecuting Attorney (ISB#3106)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,	)	<u>ORDER FOR</u>
	)	<u>CONTINUANCE</u>
vs.)	
)	
ELOY NARANJO JR.,)	
)	
Defendant.)	

IT IS HEREBY ORDERED that said hearing is hereby vacated and the clerk of this court shall reschedule the Preliminary Hearing at a time convenient to the Court.

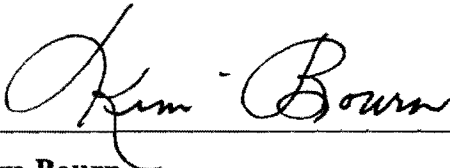
DONE this 5th day of December, 2007.



Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of December,
2007, I served a copy of the foregoing Stipulate for Continuance and Order upon
Robert M. Nielsen, by depositing a copy thereof in attorney's basket in Magistrate
Court.



Kim Bourn

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
STANLEY HOLLOWAY, *Deputy Prosecuting Attorney (ISB#3106)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

MINIDOKA COUNTY, ID
FILED
DEC 17 2007

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO, JR.,

Defendant.

Case No. CR-2007-3809

**SECOND
RESPONSE TO REQUEST FOR
DISCOVERY**

COMES NOW, the Minidoka County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following response to the Request for Discovery pursuant to Idaho Criminal Rule 16:

The State of Idaho has complied with such request by:

A. Attaching or disclosing any material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore.

B. Attaching copies of reports and memoranda in possession of the prosecuting

attorney which were made by a police officer or investigator in connection with the investigation or prosecution of the case.

C. Attaching a copy of the defendant's prior criminal record that is within the knowledge of the prosecuting attorney.

D. Attaching copies of statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case, unless a protective order is issued as provided in Criminal Rule 16 (k).

E. Attaching pages D-26. Although the State has made every effort to fully comply with its duty to disclose evidence pursuant to Idaho Criminal Rule 16, that does not alleviate the defendant or defense counsel of his/her responsibility to inspect and or copy evidence mentioned in sections F and G. *CD'S available to review at the Prosecutor's Office.*

F. Permitting the defendant to inspect and copy or photograph any relevant written or recorded statements made by the defendant that are in the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged. If these items exist, they are disclosed in the State's discovery response and attachments (see section E above) and in any supplemental responses and attachments.

CERTIFICATE OF MAILING

I hereby certify that on this 14th day of December, 2007, I delivered a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Robert M. Nielsen

P. O. Box 706

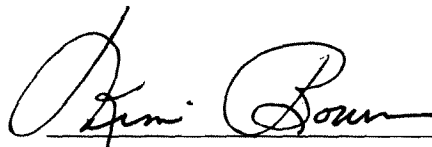
Rupert, ID 83350

_____ By depositing copies of the same in the United States mail, postage prepaid, at the post office in Rupert, Idaho.

_____ By hand delivering copies of the same to the office of the attorneys(s) at his office at the address stated above.

✓
_____ By placing copies of the same in the attorney's basket located in the Clerk's Office in the Judicial Annex, Minidoka County Courthouse.

_____ By telecopying copies of the same to said attorneys(s) at the telecopied number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office in Rupert, Idaho.



Kim Bourn

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,

Plaintiff

vs.

ELOY NARANJO JR,

Defendant,

) Case No. CR-2007-3809

)

) COURT MINUTES ON:

)

PRELIMINARY MAGISTRATE DIVISION

)

) CHARGE(S): TRAFFICKING METH/NO TAX

) STAMP

)

)

RICK L. BOLLAR, Magistrate Judge

J. DENNING, Deputy Clerk

DATE: JANUARY 9, 2008

Time: 129-129

Time	Case activities recorded automatically to Court server		
	- Present is NICOLE CANNON, State's deputy prosecuting attorney		
	-ROBERT M. NIELSEN, Counsel for the defendant		
	Matter to be continued, reset for 2 weeks		
Fines:	Court costs:	Suspended:	PD Fees:
Jail Time:	Suspended:	Credited:	Report to jail:
Probation:	Prob. type:	D.L. suspended:	
McWork:	Sign up:	Complete By:	
Disc.	Reset date:	Court Alcohol School:	

MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO
NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

MINIDOKA COUNTY, IDAHO
FILED

JAN 09 2008

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

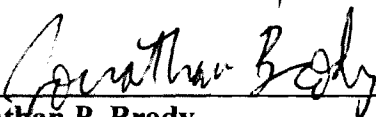
ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	<u>MOTION FOR TRANSPORT</u>
)	
ELOY NARANJO,)	
)	
Defendant.)	

COMES NOW, the Plaintiff in the above-entitled matter, the State of Idaho, by and through Jonathan P. Brody, Deputy Prosecuting Attorney for the County of Minidoka, and moves the court for an Order transporting Jose Zepeda from the Mini-Cassia Criminal Justice Center, Burley, Idaho for the Preliminary Hearing on the 9th day of January, 2008, at 1:00 p.m., and returned to the Mini-Cassia Criminal Justice Center, Burley, Idaho, after said hearing.

DATED the 9 day of January, 2008.



Jonathan P. Brody
Deputy Prosecuting Attorney

MOTION AND ORDER FOR TRANSPORT

MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO
NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

MINIDOKA COUNTY, IDAHO
FILED

JAN 09 2008

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION


ATTORNEYS FOR STATE OF IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	<u>ORDER FOR TRANSPORT</u>
)	
ELOY NARANJO,)	
)	
Defendant.)	

IT IS HEREBY ORDERED that Jose Zepeda be transported from the Mini-Cassia Criminal Justice Center, Burley, Idaho, to the Minidoka County Courthouse in Rupert, Idaho, by the Sheriff of Minidoka County, or other designated law enforcement officer thereof, for a preliminary hearing on the 9th day of January, 2008 at 1:00 p.m., and back to the Mini-Cassia Criminal Justice Center, Burley, Idaho, after the hearing.

DATED this 9th day of January, 2008.



Magistrate Judge Rick L. Bollar

MOTION AND ORDER FOR TRANSPORT

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE CANNON, Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#2778)
STANLEY HOLLOWAY, Deputy Prosecuting Attorney (ISB#3106)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

RECEIVED

1552 DR


MINIDOKA COUNTY DISTRICT
MAGISTRATE DIVISION

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,)	Case No. CR-2007-3809
)	
Plaintiff,)	
	)	SUBPOENA - CRIMINAL
vs.)	
)	
ELOY NARANJO,)	
)	
Defendant.)	

**THE STATE OF IDAHO SENDS GREETINGS TO: CONFIDENTIAL SOURCE, C/O
OF BLAS MARTINEZ, JEROME CO. SO. Fax 208-324-1911**

YOU ARE COMMANDED TO APPEAR before the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Minidoka, at the Courtroom in the Judicial Building, in the City of Rupert, County of Minidoka, State of Idaho, on the 30TH day of January, 2008, at 1:00 o'clock p.m., as a witness in a criminal action prosecuted by the State of Idaho, against Eloy Naranjo, on the part of the State of Idaho.

WITNESS my hand and seal of said Court this 14TH day of January, 2008.

Diane Smith Clerk
[Signature] By
 Deputy Clerk

STATE OF IDAHO, County of Minidoka, ss.

I HEREBY CERTIFY, that I served the within Subpoena on the _____ day of _____, 2007, on _____ being the witness(s) named in the within Subpoena, at the County of Minidoka, State of Idaho.

Dated _____, 2008.

By
Sheriff's Deputy

PLEASE CONTACT THIS OFFICE 24 HOURS IN ADVANCE TO MAKE SURE THIS TRIAL IS STILL GOING AND WHAT TIME YOU WILL BE NEEDED.

LF

Paper ID: 200800104

JEROME COUNTY SHERIFF DEPARTMENT

JIM WEAVER
(208) 324-8845

300 N. LINCOLN
JEROME, ID 83338

PERSONAL RETURN OF SERVICE

6th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

STATE OF IDAHO

- VS -

PLAINTIFF(S)

COURT: MINIDOKA DISTRICT

CASE NO: CR 2007-3809

ELOY NARANJO JR

DEFENDANT(S)

PAPER(S) SERVED:

SUBPOENA

I, JIM WEAVER, SHERIFF OF JEROME COUNTY, STATE THAT THE ABOVE DESCRIBED DOCUMENTS WERE DELIVERED TO ME FOR SERVICE ON THE 15TH DAY OF JANUARY 2008.

I HEREBY CERTIFY THAT, ON THE 16TH DAY OF JANUARY 2008, AT 8:47 O'CLOCK A.M., I, DESERAE RUE, BEING DULY AUTHORIZED, SERVED THE ABOVE DESCRIBED DOCUMENTS IN THE ABOVE-ENTITLED MATTER UPON

***** BLAS MARTINEZ *****

PERSONALLY AT: 300 NORTH LINCOLN JEROME ID 83338

WITHIN THE COUNTY OF JEROME, STATE OF IDAHO.

DATED THIS 16TH DAY OF JANUARY 2008.

JIM WEAVER
SHERIFF

SHERIFF'S FEES: 0.00
TOTAL COLLECTED TO DATE: 0.00
AMOUNT UNCOLLECTED: 0.00

BY _____
DESERAE RUE
SERVING OFFICER

BY LO Rue
DESERAE RUE
RETURNING OFFICER

MINIDOKA COUNTY PROS ATTORNEY
P.O. BOX 368
RUPERT, ID 83350

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE ~~FILED~~

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA JAN 30 2008

STATE OF IDAHO,

Plaintiff

vs.

ELOY NARANJO JR,
Defendant,

) Case No. CR-2007-3809

)

) COURT MINUTES ON:

)

PRELIMINARY

)

) CHARGE(S): TRAFFICKING METH/NO TAX) STAMP

)

)

5th JUDICIAL DISTRICT CL
MAGISTRATE DIVISION

RICK L. BOLLAR, Magistrate Judge

J. DENNING, Deputy Clerk

DATE: JANUARY 30, 2008

Time: 159-159

Time	Case activities recorded automatically to Court server		
	- Present is JONATHAN BRODY, State's deputy prosecuting attorney		
	-ROBERT M. NIELSEN, Counsel for the defendant		
	St addresses Ct on Def waiving Preliminary Hearing		
	Mr. Nielsen to submit waiver		
	*District Arraignment 2/11/08 9AM		
Fines:	Court costs:	Suspended:	PD Fees:
Jail Time:	Suspended:	Credited:	Report to jail:
Probation:	Prob. type:	D.L. suspended:	
McWork:	Sign up:	Complete By:	
Disc.	Reset date:	Court Alcohol School:	

2008 FEB -4 AM 10:25

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE CANNON, *Prosecuting Attorney (ISB #5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB #2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB #4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

DUANE S. BROWN
DEPUTY

ATTORNEYS FOR THE STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,

) Case No. CR-2007-3809

Plaintiff,

vs.

ELOY NARANJO JR.,
LAST KNOWN ADDRESS:
P. O. BOX 507, HEYBURN, ID
SSN: [REDACTED]
[REDACTED]

Defendant.

**INFORMATION
PART I**

Nicole Cannon, Prosecuting Attorney in and for Minidoka County, State of Idaho, who, in the name and by the authority of said State prosecutes in its behalf, in proper person comes into said District Court in the County of Minidoka, State of Idaho, and gives the Court to understand and be informed that Eloy Naranjo Jr. is accused by this Information of the crimes of:

**COUNT I
TRAFFICKING IN METHAMPHETAMINE
Felony
Idaho Code Section 37-2732B(a)(2)(A)**


That the said defendant, Eloy Naranjo Jr., on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **TRAFFICKING IN METHAMPHETAMINE**, in violation of Idaho Code Section 37-2732B(a)(2)(A), by then and there willfully, intentionally, unlawfully, knowingly, and feloniously delivering as represented by the defendant twenty-eight (28) grams or more of methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine to a Confidential Source.

COUNT II
FAILURE TO OBTAIN A TAX STAMP
Felony
Idaho Code Sections 63-4205 and 63-4207

That the said defendant, Eloy Naranjo, on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **FAILURE TO OBTAIN A TAX STAMP**, in violation of Idaho Code Sections 63-4205 and 63-4207, by then and there feloniously possessing a controlled substance, to-wit: methamphetamine, without affixing thereto the appropriate stamps evidencing tax paid, pursuant to Idaho Code Section 63-4201, et. seq.

All of which is contrary to the form, force and effect of the statute in such case in said State made and provided and against the peace and dignity of the State of Idaho.

DATED this 1st day of February, 2008.



Nicole Cannon
Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on this 1st day of February,
2008, I delivered a true and correct copy of the within and foregoing document upon
the attorney(s) named below in the manner noted:

Robert M. Nielsen

P. O. Box 706

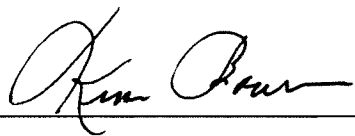
Rupert, ID 83350

____ By depositing copies of the same in the United States mail, postage prepaid, at
the post office in Rupert, Idaho.

____ By Hand delivering copies of the same to the office of the attorneys(s) at his
office at the address stated above.

✓
____ By placing copies of the same in the attorney's basket located in the Clerk's
Office in the Judicial Annex, Minidoka County Courthouse.

____ By telecopying copies of the same to said attorneys(s) at the telecopied number
_____, and by then mailing copies of the same in the
United States Mail, postage prepaid, at the post office in Rupert, Idaho.



Kim Bourn

FILED
CASE

2007-05-04 PM 12:50

DUST

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE CANNON, *Prosecuting Attorney (ISB #5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB #2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB #4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR THE STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,

) **Case No. CR-2007-3809**

Plaintiff,

vs.

) **INFORMATION**
) **PART II**

**ELOY NARANJO JR.,
LAST KNOWN ADDRESS:
P. O. BOX 507, HEYBURN, ID
SSN: [REDACTED]**

Defendant.

Nicole Cannon, Prosecuting Attorney in and for Minidoka County, State of Idaho, who, in the name and by the authority of said State prosecutes in its behalf, in proper person comes into said District Court in the County of Minidoka, State of Idaho, and gives the Court to understand and be informed that Eloy Naranjo Jr. is accused by this Information of the crimes of:

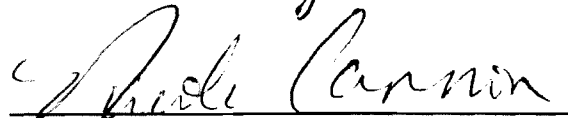
**SUBSEQUENT OFFENSE
Felony**

Idaho Code Section 37-2739

That the said defendant, Eloy Naranjo Jr., has been convicted of a second or subsequent offense relating to narcotic drugs, marijuana, depressants, stimulants, or hallucinogenic drugs, and under this act or under any statute of the United States, in violation of Idaho Code Section 37-2739, said conviction having taken place on the 15th day of November, 2005, in Cassia County Case No. CR-2004-169*D. All of which constitutes a statutory basis for sentencing enhancement pursuant to Idaho Code Section 37-2739, which the State will seek upon conviction of the crime alleged in the above information.

All of which is contrary to the form, force and effect of the statute in such case in said State made and provided and against the peace and dignity of the State of Idaho.

DATED this 1st day of February, 2008.



Nicole Cannon
Prosecuting Attorney

CERTIFICATE OF MAILING

I hereby certify that on this 1st day of February, 2008, I delivered a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Robert M. Nielsen

P. O. Box 706

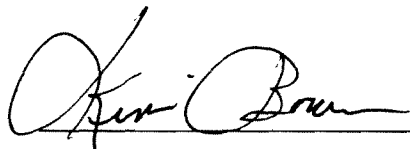
Rupert, ID 83350

___ By depositing copies of the same in the United States mail, postage prepaid, at the post office in Rupert, Idaho.

___ By Hand delivering copies of the same to the office of the attorneys(s) at his office at the address stated above.

✓
___ By placing copies of the same in the attorney's basket located in the Clerk's Office in the Judicial Annex, Minidoka County Courthouse.

___ By telecopying copies of the same to said attorneys(s) at the telecopied number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office in Rupert, Idaho.



Kim Bourn

MINIDOKA COUNTY, IDA.

FILED

FEB 03 2008

5th JUDICIAL DISTRICT COURT
MAGISTRATE DIVISION

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO, JR.

DOB: [REDACTED]

Defendant.

Case No. CR-2007-3809

WAIVER OF PRELIMINARY HEARING

COMES NOW, the above-named Defendant with his attorney of record, Robert M. Nielsen, Rupert, Idaho, having been charged in the above-captioned matter with the offense of violation of COUNT I, §§ 37-2732B(a)(2)(A) and COUNT II, § 63-4205 and 63-4207, Idaho Code, having been informed by the Magistrate of Minidoka County of the nature of the charges against Defendant, of Defendant's right to counsel, and of Defendant's right to a preliminary hearing. Defendant understands that at the preliminary hearing would be Defendant's right to hear evidence relating to the criminal

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

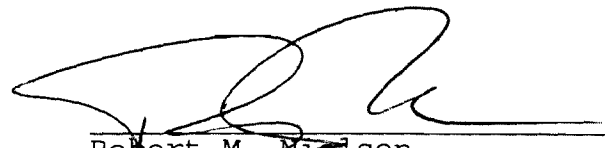
ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 charges against Defendant, to cross-examine any witnesses, and to
3 provide evidence in Defendant's own behalf if Defendant so
4 desired. Defendant also understands that at the preliminary
5 hearing the State would have the burden of proving there is
6 probable cause to believe an offense was committed and that the
7 Defendant committed that offense.

8 Without waiving any other rights that Defendant may
9 have, Defendant freely, voluntarily, and understandingly, waives
10 Defendant's right to a preliminary hearing in this matter pursuant
11 to Rule 5.1 of the Idaho Criminal Rules, said preliminary hearing
12 having been scheduled for Monday, February 11, 2008, at the hour
13 of 9:00 a.m., and requests that the presiding Magistrate file a
14 written Order in the District Court holding Defendant to answer to
15 the charges on file herein at the Court's convenience.

16 DATED this 4th day of February, 2008.

17 
Eloy Naranjo, Jr.
Defendant

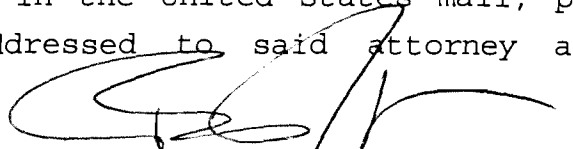

Robert M. Nielsen
Attorney for Defendant

18
19
20 CERTIFICATE OF MAILING

21 I hereby certify that on the 4th day of February, 2008, I
22 served a copy of the foregoing WAIVER OF PRELIMINARY HEARING upon:

23 John P. Brody
24 Minidoka County Deputy Prosecutor
25 P. O. Box 368
26 Rupert, Idaho 83350

27 by depositing a copy thereof in the United States mail, postage
28 prepaid, in an envelope addressed to said attorney at the
foregoing address.


Robert M. Nielsen

Date: 2/25/2008

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 12:27 PM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Arraignment	Minutes date:	02/25/2008
Assigned judge:	John M. Melanson	Start time:	12:20 PM
Court reporter:	Maureen Newton	End time:	12:26 PM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 1220

Court calls case, notes that defendant is present with counsel, set for arraignment, set for arraignment - informs of charge in information Part I of Count I Trafficking in Meth continues -

Defendant understands Count I

Court informs of max penalty of up to life in prison, fine of up to \$25,000 or both and mandatory min time in prison of 3 yrs and min fine of \$10,000

Court informs of charge in Count II failure to obtain a tax stamp and max penalty of 7 yrs in prison, fine of \$15,000 or both and a civil penalty of \$200 per gram,

Court informs of charge in Part II of information charging a subsequent offense - alleged prior conviction in Cassia County on CR-2004-169 which is a statutory basis for sentencing enhancement which would double the max penalty

Defendant understands

Tape Counter: 1224

Court informs defendant of rights and pleas available to him on each charge

Defendant understands rights

Court inquires of Mr. Nielsen:

Mr. Nielsen: defendant will enter a plea today and waive right to delay of entry of plea, enter not-guilty plea to all counts

Court enters a not-guilty plea and set for status on 3-17-08 @ 9:00 a.m., 5-14-08 for jury trial and pretrial on 5-5-08 @ 9:00 a.m., instructs defendant to keep in touch with attorney and to appear for hearings or a warrant may be issued for his arrest

Def: understands

Tape Counter: 1226

In recess

Date: 3/17/2008

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 09:46 AM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Status Conference	Minutes date:	03/17/2008
Assigned judge:	R. Barry Wood	Start time:	09:43 AM
Court reporter:	Linda Ledbetter	End time:	09:46 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 943

Court calls case, notes that defendant is present with counsel, here on status, trial is set on 5-14, inquires
Mr. Nielsen: state has made offer but haven't had chance to review with client, keep trial dates and will keep court advised
Court notes that pretrial is set 5-5 so see on 5-5-
MR. Brody: asks to set earlier explains re: offer - If going to trial need to know earlier explains - requesting an earlier status - ask to set on 4-7-08 and will keep offer open until then
Mr. Nielsen: fine
Court sets for status on 4-07-08 @ 9:00 a.m.
Counsels: no issues on release

Tape Counter: 946

In recess

Date: 4/7/2008

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 09:46 AM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Status Conference	Minutes date:	04/07/2008
Assigned judge:	R. Barry Wood	Start time:	09:43 AM
Court reporter:	Linda Ledbetter	End time:	09:45 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 943	Court calls case, notes that defendant is present with counsel, briefly reviews case to date, Mr. Nielsen: is retained counsel Court continues - inquires Mr. Nielsen: responds - do not have anything resolved continues - ask that it remain on Court calendar for time being Court confirms that 5-5-08 is pretrial, Counsels agree no issues on release
Tape Counter: 945	In recess

CASE 1:07-cr-00038

MAY -5 11 9:53

DUANE J. DEPUTY

Date: 5/5/2008

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 09:40 AM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	05/05/2008
Assigned judge:	R. Barry Wood	Start time:	09:36 AM
Court reporter:	Linda Ledbetter	End time:	09:40 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 936 Court calls case, notes that defendant is present with counsel, set for pretrial
Mr. Nielsen: responds - have discussed with State, have agreed to stipulate to continue
trial setting and will file a written waiver of speedy trial
Mr. Brody: agrees - continuance is appropriate continues -
Court inquires
Mr. Nielsen: continue to July?

Tape Counter: 938 Court inquires
Counsel think 2-3 days to try
Court sets on 7-30-08 for jury trial and pretrial on 7-21, inquires of counsel
Def; understands right to speedy trial and that his attorney is requesting continuance and
that it affects his right to speedy trial, understands have to waive right to speedy trial
Mr. Nielsen: is a counsel waiver and will follow up in writing,
Court vacates trial and resets to July dates, informs defendant to keep in touch with
attorney, violate no laws, same terms of prior release still apply

Tape Counter: 940 In recess

CASE NO. 2007-3809

JUL 11 - 8 11:10:13

DUPLICATE
SECRET

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA
MAGISTRATE DIVISION

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	WAIVER OF SPEEDY TRIAL
)	
ELOY NARANJO, JR.,)	
)	
Defendant.)	

COMES NOW the above-named Defendant, by and through his attorney of record, Robert M. Nielsen of Rupert, Idaho, and pursuant to the applicable provisions of the Idaho Criminal Rules and § 19-3501(3), Idaho Code, waives said Defendant's right to be brought to trial within six (6) months from the date Defendant entered a plea of not guilty herein, and further waives any speedy trial defenses Defendant may have.

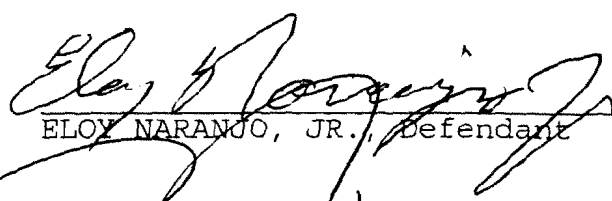
Defendant has been advised of the nature of the charges on file herein and is aware of all of his constitutional rights as more particularly appears on the written Appearance and Acknowledgment on file herein.

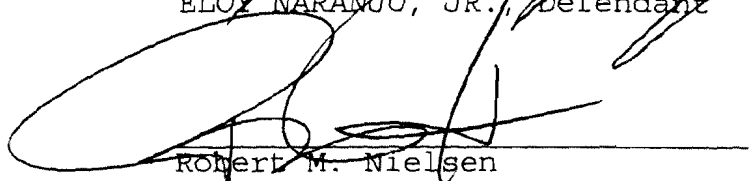
WAIVER OF SPEEDY TRIAL

- 1 -

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 DATED this 5th day of May, 2008.
3
4

5
6 
ELOY NARANJO, JR., Defendant
7

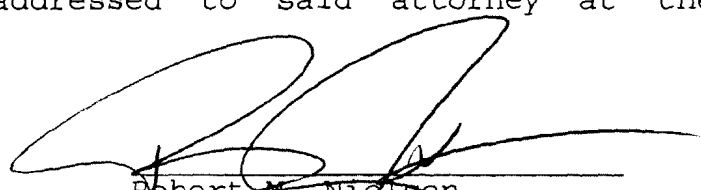
8 
Robert M. Nielsen
Attorney for Defendant
9
10

11 CERTIFICATE OF MAILING

12 I hereby certify that on the 5th day of May, 2008, I served
13 a copy of the foregoing WAIVER OF SPEEDY TRIAL upon:

14 Nicole L. Cannon
15 Minidoka County Prosecutor
16 P.O. Box 368
17 Rupert, ID 83350

18 by depositing a copy thereof in the United States mail, postage
19 prepaid, in an envelope addressed to said attorney at the
20 foregoing address.

21 
Robert M. Nielsen
Attorney for Defendant
22
23
24
25
26
27
28

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

FILED
CASE
JUL 21 7 14 AM
DUANE
CLERK

Date: 7/21/2008
Time: 09:57 AM
Page 1 of 1

Fifth Judicial District Court - Minidoka County

User: JANET

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	07/21/2008
Assigned judge:	R. Barry Wood	Start time:	09:53 AM
Court reporter:	Linda Ledbetter	End time:	09:56 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 953

Court calls case, notes that defendant is present with counsel, briefly reviews Information filed 2-4-08, here on pretrial for jury trial set on 7-30-08, inquires
Mr. Nielsen: going to trial
Mr. Brody: agrees
Court sets for final pretrial on 7-28-08 and will count on going to trial because this case is old, inquires as to cases set
Mr. Brody: responds - have filed Motion to dismiss on Ochoa on Friday, comments regarding Parton case,
Court confirms can count on this case going
Mr. Brody: addresses concerns with witnesses
Court: as old as is unwilling to change explains, will see defendant next Monday
In recess

Tape Counter: 956

Date: 7/28/2008

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 09:36 AM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	07/28/2008
Assigned judge:	R. Barry Wood	Start time:	09:32 AM
Court reporter:	Linda Ledbetter	End time:	09:36 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 932

Court calls case, notes that defendant is present with counsel, have been handed stipulation for continuance, inquires
Mr. Brody: responds - criminalist from San Francisco is not available explain -
Court inquires when will be here
Mr. Brody: responds
Mr. Nielsen: filed a waiver of speedy trial in May
Court will continue but will reset each Wednesday in continuous succession until get DEA here, set for 8-6-08 and would like to see a subpoena, inquires
Mr. Nielsen: think had a problem getting served
Mr. Brody: have a blank subpoena explains - responds further
Court sets for pretrial on 8-4-08 and jury trial on 8-6-08 - vacates current trial setting
In recess

Tape Counter: 936

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, Deputy Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#2778)
JONATHAN P. BRODY, Deputy Prosecuting Attorney (ISB#4960)
MELISSA K. ASTON, Deputy Prosecuting Attorney (ISB#7377)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

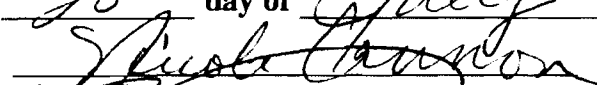
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

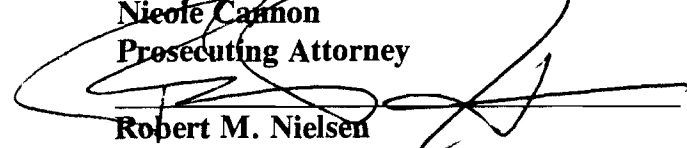
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,	)	<u>STIPULATION FOR</u>
	)	<u>CONTINUANCE</u>
vs.)	
)	
ELOY NARANJO JR.,)	
)	
Defendant.)	

COMES NOW, Nicole Cannon, Prosecuting Attorney in and for Minidoka County, State of Idaho, and Robert M. Nielsen, attorney for the defendant, does hereby stipulate to continue the Jury Trial heretofore scheduled for July 30, 2008, for and on the grounds that the DEA criminalist is not available to testify in this case on said date.

DATED this 25th day of July, 2008.


Nicole Cannon
Prosecuting Attorney


Robert M. Nielsen
Attorney for the Defendant

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, Deputy Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#2778)
JONATHAN P. BRODY, Deputy Prosecuting Attorney (ISB#4960)
MELISSA K. ASTON, Deputy Prosecuting Attorney (ISB#7377)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

FILED
JUL 23 11:13
DUA [Signature]

ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,	)	<u>ORDER FOR</u>
	)	<u>CONTINUANCE</u>
vs.)	
)	
ELOY NARANJO JR.,)	
)	
Defendant.)	

IT IS HEREBY ORDERED that said hearing is hereby vacated and the clerk of this court shall reschedule the Jury Trial at a time convenient to the Court.

DONE this 28th day of July, 2008.

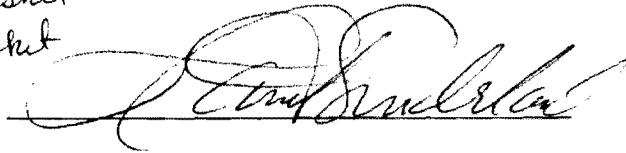


District Judge - *Granted in Open Court 7-28-08*

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of July, 2008, I served a copy of the foregoing Stipulate for Continuance and Order upon Robert M. Nielsen, by depositing a copy thereof in the attorney's basket in Magistrate Court.

Bob Nielsen - Basket
Prosecutor - Basket



Date: 8/4/2008

Time: 10:01 AM

Page 1 of 1

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

User: JANET

Hearing type:	Pretrial Conference	Minutes date:	08/04/2008
Assigned judge:	R. Barry Wood	Start time:	09:59 AM
Court reporter:	Linda Ledbetter	End time:	10:01 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Nicole L. Cannon		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 959

Court calls case, notes that defendant is present with counsel, inquires
Ms. Cannon: have checked with criminologist from DEA - have dates - suggest 9-24 -
Court and counsel agree to move to 9-24 and will be set in first place, set for 9-15-08 for
pretrial

Tape Counter: 1001

In recess

8/28/2008

STATE OF IDAHO
-VS-
ELOY NARANJO

MINIDOKA COUNTY-5TH JUDICIAL DISTRICT CR20073809

SHERIFF'S RETURN ON **SUBPOENA**-SHERIFF'S# 809576

RECEIVED BY SHERIFF ON 8/11/2008

I, GARY RANEY, SHERIFF, DO HEREBY CERTIFY THAT AFTER DUE SEARCH AND DILIGENT INQUIRY, WAS UNABLE TO LOCATE, AND THEREFORE DID NOT SERVE TO:

JOSE ZEPEDA

FOR THE FOLLOWING REASON(S): **JOSE ZEPEDA NO LONGER LIVES AT 1072 BERGESON ST, BOISE, ID.**

I RETURN THE **SUBPOENA**, NOT SERVED, AND ASSESS MY FEES OF \$0.00.

GARY RANEY, SHERIFF
ADA COUNTY, IDAHO

BY Kelly Adams
DEPUTY KELLY ADAMS 4485

MINIDOKA COUNTY PROSECUTING ATTORNEY
PO BOX 368
RUPERT, ID 83350

Date: 9/15/2008

Time: 12:00 PM

Page 1 of 1

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

CR-2007-0003809
09/15/08 11:58 AM
Docketed
User: JANET

Hearing type:	Pretrial Conference	Minutes date:	09/15/2008
Assigned judge:	R. Barry Wood	Start time:	11:58 AM
Court reporter:	Maureen Newton	End time:	11:59 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 158

Court calls case, notes that defendant is present with counsel, inquires
Mr. Nielsen: responds - working on instructions for trial on 24th and will be going
Court: verify that have a substitute judge to be here, sets for final pretrial on 9-22-08 @
9:00 a.m.

Tape Counter: 159

In recess

MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO

NICOLE CANNON, Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#277B)
STANLEY HOLLOWAY, Deputy Prosecuting Attorney (ISB#3106)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

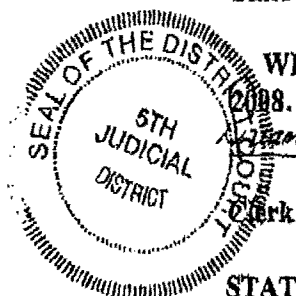
2007 AUG 19 11:31 AM
CLERK
JURY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,)	Case No. CR-2007-3809
)	
Plaintiff,)	
	)	SUBPOENA - CRIMINAL
vs.)	
)	
ELOY NARANJO,)	
)	
Defendant.)	

THE STATE OF IDAHO SENDS GREETINGS TO: JOSE ZEPEDA, ADA CO JAIL,
Boise, ID 83704

YOU ARE COMMANDED TO APPEAR before the District Court of the Fifth
Judicial District of the State of Idaho in and for the County of Minidoka, at the
Courtroom in the Judicial Building, in the City of Rupert, County of Minidoka, State of
Idaho, on the 24th and 25th day of ~~September~~ 2008, at 1:00 o'clock p.m., as a witness in a
criminal action prosecuted by the State of Idaho, against Eloy Naranjo, on the part of the
State of Idaho.



WITNESS my hand and seal of said Court this 05th day of August,
2008.

James Smith
Clerk

Bar Villacorta
By
Deputy Clerk

STATE OF IDAHO, County of Minidoka, ss.

I HEREBY CERTIFY, that I served the within Subpoena on the _____ day
of _____, 2008, on
_____ being the witness(s) named in
the within Subpoena, at the County of Minidoka, State of Idaho.

Dated _____, 2008.

By
Sheriff's Deputy

PLEASE CONTACT THIS OFFICE 24 HOURS IN ADVANCE TO MAKE SURE THIS
TRIAL IS STILL GOING AND WHAT TIME YOU WILL BE NEEDED.

9/16/2008

STATE OF IDAHO
-VS-
ELOY NARANJO

MINIDOKA COUNTY-5TH JUDICIAL DISTRICT CR20083809

SHERIFF'S RETURN ON **SUBPOENA** – SHERIFF'S# 810756

RECEIVED BY SHERIFF ON 9/9/2008

I CERTIFY THAT I SERVED A COPY OF THE **SUBPOENA** TO

JOSE ZEPEDA

ON 9/16/2008 @ 8:13 HRS,

JOSE ZEPEDA
7210 BARRISTER DRIVE
BOISE, ID 83704

I RETURN THE SERVED **SUBPOENA** AND ASSESS MY FEES OF: \$0.00.

GARY RANEY, SHERIFF
ADA COUNTY, IDAHO

By Leann Walton
DEPUTY LEANN WALTON 4196

MINIDOKA COUNTY PROSECUTING ATTORNEY
KIM BOURN
PO BOX 368
RUPERT, ID 83350

CASE CR-2007-3809

2008 SEP 13 PM 3:13

DATE
9/16/08

ADA COUNTY SHERIFF'S OFFICE
CIVIL SECTION

AFFIDAVIT OF SERVICE

10/16/08
DL [Signature]

State Of Idaho,
PLAINTIFF,
-VS-

Eloy Naranjo,
DEFENDANT.

MINIDOKA COUNTY-5TH JUDICIAL DISTRICT
COURT CASE NO: CR20073809
SHERIFF'S CASE NO 810756

SERVE TO: Jose Zepeda
ADDRESS: ADA COUNTY JAIL BOISE, ID 83704

I, Leann Walton, CERTIFY THAT I PERSONALLY
(DEPUTY'S PRINTED NAME)

SERVED A COPY OF THE SUBPOENA-CRIMINAL

TO: Jose Zepeda
(NAME OF INDIVIDUAL RECEIVING DOCUMENTS)

AT: 7210 Barrister Dr Boise
(ADDRESS)

ON: 09/16/08 AT: 0812
(DATE) (TIME)

Leann Walton ADA#: 4196
(SIGNATURE)

2008 SEP 22 PM 4:31

DUANE S. CLARK
DEPUTY

Date: 9/22/2008

Fifth Judicial District Court - Minidoka County

User: SANTOS

Time: 04:33 PM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Pretrial Conference	Minutes date:	09/22/2008
Assigned judge:	John M. Melanson	Start time:	11:48 AM
Court reporter:	Maureen Newton	End time:	11:50 AM
Minutes clerk:	Santos Garza	Audio tape number:	
Prosecutor:	Nicole L. Cannon		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 1148

Court calls case CR 07-3809; Ms Cannon and Mr. Robert Nielsen with Defendant present;
Judge Elgee will preside over the trial;
Baliff advises of the seating chart and jurors called in

11:50

ORIGINAL

FILED-DISTRICT COURT
CASE #

2008 SEP 23 PM 1:42

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
MELISSA K. ASTON, *Deputy Prosecuting Attorney (ISB#7377)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

DIA
DEPUTY

ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

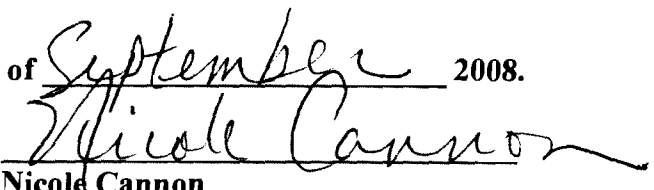
STATE OF IDAHO,)	Case No. CR-2007-3809*D
)	
Plaintiff,)	
)	
vs.	)	<u>WITNESS LIST</u>
)	
ELOY NARANJO,)	
)	
Defendant.)	

TO: THE ABOVE NAMED DEFENDANT AND HIS ATTORNEY, ROBERT M. NIELSEN, P. O. BOX 706, RUPERT, ID

The following individuals may be called to testify in the trial of this matter:

1. Blas Martinez
2. Javier Bustos
3. Jose Zepeda
4. Scott Hoopes

DATED this 27th day of September 2008.


Nicole Cannon
Prosecuting Attorney

WITNESS LIST - 1

CERTIFICATE OF MAILING

I hereby certify that on this 23rd day of September,
2008, I delivered a true and correct copy of the within and foregoing document upon
the attorney(s) named below in the manner noted:

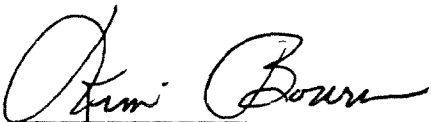
Robert M. Nielsen
P. O. Box 706
Rupert, ID 83350

_____ By depositing copies of the same in the United States mail, postage prepaid, at
the post office in Rupert, Idaho.

_____ By Hand delivering copies of the same to the office of the attorneys(s) at his
office at the address stated above.

✓
_____ By placing copies of the same in the attorney's basket located in the clerk's
Office in the Judicial Annex, Minidoka County Courthouse *faxing 208-436-0587*

_____ By telecopying copies of the same to said attorneys(s) at the telecopied number
_____, and by then mailing copies of the same in the
United States Mail, postage prepaid, at the post office in Rupert, Idaho.



Kim Bourn

FILED 08/17/07
CASE #

2003 SEP 23 PM 4:57

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
 ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
 JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
 MELISSA K. ASTON, *Deputy Prosecuting Attorney (ISB#7377)*
 715 G. Street, P. O. Box 368
 Rupert, ID 83350
 Office: (208) 436-7187
 Facsimile: (208) 436-3177

DUANE S. GILK
[Signature] DEPUTY

ATTORNEYS FOR THE STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,
 Plaintiff,

vs.

ELOY NARANJO JR.,
 Defendant.

)
)
)
)
)
)
)

Case No. CR-2007-3809

NOTICE OF INTENT
 TO USE 404(b) EVIDENCE

Pursuant to Idaho Rule of Evidence 404(b) the Minidoka County Prosecutor's Office provides notice of its intent to produce evidence of other crimes, wrongs, or acts as proof on other issues, such as motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident. It is asserted that such evidence is or maybe relevant to a material issue other than propensity, including, but not limited to motive, intent, preparation, plan, knowledge and/or the absence of mistake or accident and general nature of such evidence:


NOTICE OF INTENT

- 1

Specifically, the State intends to produce evidence that the defendant, Eloy Naranjo Jr., previously sold methamphetamine to the State's Confidential Informant, who will be testifying at trial. This evidence will be offered to show the defendant's intent, plan or scheme to traffic in methamphetamine and to disprove any mistake or identity. Additionally, the State intends to produce evidence that the defendant attempted to make a sale of methamphetamine to the State's Undercover Officer after the date alleged in the State's Information, but that sale did not go through. This evidence will also be offered to show the defendant's intent, plan or scheme to traffic in methamphetamine and to disprove any mistake of fact or identity.

The defendant has previously been notified of each of these witnesses, both through discovery and through the State's Witness List. Although both the State and the defendant were previously aware of the testimony to be proffered by the State's Undercover Officer, the State was just made aware of the testimony which the Confidential Informant could proffer regarding the previous sale of methamphetamine from the defendant to the Confidential Informant. The State contacted Robert M. Nielsen, attorney for the defendant, immediately following the disclosure of the information.

DONE this 23rd day of September, 2008.


Nicole L. Cannon
Prosecuting Attorney
Minidoka County

MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO
NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
MELISSA K. ASTON, *Deputy Prosecuting Attorney (ISB#4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

ORIGINAL

2008 SEP 23 PM 1:42

DEPUTY
CLERK


ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809*D
)	
Plaintiff,)	
)	
vs.	)	<u>MOTION FOR TRANSPORT</u>
)	
ELOY NARANJO,)	
)	
Defendant.)	

COMES NOW, the Plaintiff in the above-entitled matter, the State of Idaho, by and through , Prosecuting Attorney for the County of Minidoka, and moves the court for an Order transporting Jose Zepeda from the Mini-Cassia Criminal Justice Center, Burley, Idaho, to Minidoka County District Court to testify in the above-entitled matter on the 24th and/or the 25th day of September, 2008, and then transported back to the Mini-Cassia Criminal Justice Center, Burley, Idaho, upon completion of his testimony.

DATED the 23rd day of September, 2008.


Nicole Cannon
Prosecuting Attorney

MOTION AND ORDER FOR TRANSPORT

MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO
NICOLE L. CANNON, *Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
MELISSA K. ASTON, *Deputy Prosecuting Attorney (ISB#4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

FILED-CLERK
CASE #

2003 SEP 23 PM 5:00

CLERK
DEPUTY

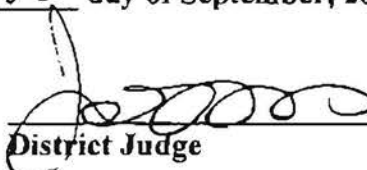
ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	<u>ORDER FOR TRANSPORT</u>
)	
ELOY NARANJO,)	
)	
Defendant.)	

IT IS HEREBY ORDERED, that Jose Zepeda is to be transported from the Mini-Cassia Criminal Justice Center, Burley, Idaho, to the Minidoka County Courthouse in Rupert, Idaho, by the Sheriff of Minidoka County, or other designated law enforcement officer thereof, to testify in the above-entitled matter on the 24th and/or the 25th day of September, 2008, and then transported back to the Mini-Cassia Criminal Justice Center, Burley, Idaho, upon completion of his testimony.

DATED this 23rd day of September, 2008.



District Judge

MOTION AND ORDER FOR TRANSPORT

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on this 23 day of Sept., 2008, I mailed a true and correct copy of the within and foregoing document upon the attorney(s) named below in the manner noted:

Robert M. Nielsen
P. O. Box 706
Rupert, ID 83350

Box

mcuse - fax

Minidoka County Prosecuting Attorney
P. O. Box 368
Burley, ID 83350

Box

- ___ By depositing copies of the same in the United States mail, postage prepaid, at the post office in Rupert, Idaho.
- ___ By Hand delivering copies of the same to the office of the attorneys(s) at his office at the address stated above.
- ___ By placing copies of the same in the Public Defender's basket located in the Clerk's Office in the Judicial Annex, Minidoka County Courthouse.
- ___ By telecopying copies of the same to said attorneys(s) at the telecopied number _____, and by then mailing copies of the same in the United States Mail, postage prepaid, at the post office in Rupert, Idaho.

Duane Smith, Clerk

By: *Duane Smith*
Deputy Clerk

Date: 9/25/2008

Fifth Judicial District Court - Minidoka County

User: SANTOS

Time: 05:07 PM

Minutes Report

Page 1 of 9

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Jury Trial	Minutes date:	09/24/2008
Assigned judge:	Robert J Elgee	Start time:	08:30 AM
Court reporter:	Maureen Newton	End time:	08:30 AM
Minutes clerk:	Santos Garza	Audio tape number:	
Prosecutor:	Nicole L. Cannon		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 908

Court calls case CR07-3809 Court advises of the way random numbers are assigned by the Compute; counsels agree with the process, Ms. Nicole Cannon and Robert Nielsen for the defense

Court asks for the names of the absent jurors: Baliff reads the names:

Octavio Chacon

Sylvia Gee

Arabela Gutierrez

RayLynn Nelson

James Oakes

Wayne Plocher

names of the absent jurors; Court will send names to the Sheriff's office;

Court addresses the Jurors re: Selection and time frame;
introduces the Court Clerk, Baliff, Reporter and Law Clerk

Court reads the charges from the information filed;

Count1: Trafficking in Meth

Count2: Failure to affix a Tax Stamp

The defendant has entered a not guilty plea;

Court continues with duties of the jurors;
explains Voir Dire examination; (power surge lost 9:17 to 9:56)

Tape Counter: 956

#94 is excused# 2 is excused #95 criminal case with Mr. Goodman, could be impartial
#92 knows Mr. Goodman, could be impartial; #86 son in the Court system, not treated fair
by Mr. Goodman, could be impartial; #90 knows Mr. Goodman

Tape Counter: 1002

Ms. Cannon questions re: law enforcement #23 tragedy, bias against police, Mr. Nielsen
questions, #23 is excused; relation to law enforcement #50 2 brothers #7 aunt and
sister#26 brother in law and son #67 wife's cousin; #71 nephew is baliff; #88 husband
retired police, pro law enforcement, could be impartial #54 sons #100 son;
#45 anti drugs, could not be impartial, #45 is excused; #55 son, #73 son in law in Boise,
could be impartial; #93 #95 related to ISP, #50 works at the city with officers#53 works
with officers,

Date: 9/25/2008

Time: 05:07 PM

Page 2 of 9

Fifth Judicial District Court - Minidoka County

User: SANTOS

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Tape Counter: 1016 Ms. Cannon asks re: use or sale of drugs #7 is excused; #71 son used drugs, Court intervenes with statement re the nature of the charge; #71 could not be fair #71 is excused; #46 very anti drug, #46 is excused; #61 lost family to drugs, emotional response, #61 is excused; #89 custody of nephew, in rehab, convicted of selling drugs, could not be impartial, Court excuses #89; #79 daughter convicted, could be impartial;

Tape Counter: 1029 Ms. Cannon addresses use of CI to jurors, #11

Court in recess for 12 minutes

Tape Counter: 1048 Court back on the record Ms. Cannon continues questioning re: evidence, #6 comments; #79 comments; #43 asks for excuse #86 asks for excuse; #92 comments; #80 asks for excuse, Court addresses the obligation since counsel has stipulated will excuse #80;

Tape Counter: 1059 Mr. Nielsen addresses the Jury Panel; #43 comments, #65 comments Mr. Nielsen asks to excuse, Ms. Cannon stipulates, Court addresses #65 re: Courts instructions; Court denies challenge; Mr. Nielsen questions #88, asks to be excused for cause, Court excuses #88;

Tape Counter: 1118 Mr. Nielsen questions #95, passes the panel

Court goes to preemulatory challenges; excuses to be made by Counsels, and who is chosen to serve;

Tape Counter: 1150 Counsels' submit names to Court

Tape Counter: 1154 Court calls jurors Kay Webster, Richard Young, Davy Cantrell, Judie Gonzales, Kimberly Fowler, Sheryl Rasmussen, Ivy Aguinaga, Liza Couch, Debbie Sansom, Dianne Schlund, Walter Damron, Edward Foreman, and Cynthia Gierisch

Clerk swears in the Jury Panel;

Court addresses Jurors not to discuss or decide case;

Court will be back in session at 1:30;

in recess 12:02

Tape Counter: 108 Court back in session; Jury is not present;

Court will hear motion

Ms. Cannon proceeds re: motion to provide 404(b) evidence;

Court inquires; Ms. Cannon proceeds with the second part of the motion; no further argument

Tape Counter: 112 Mr. Nielsen addresses the timeliness of the Motion; quotes Rule 404(b); continues; Court interjects; Mr. Nielsen continues with respect to part one of the motion; Court has no questions of Mr. Nielsen

Tape Counter: 120 Ms. Cannon redirects the motion and quotes case law; Court questions part 1 and part 2 of the motion; both counsels agree with the Courts interpretation; Court continues; discusses rebuttal or impeachment evidence; will rule if and when the State will bring forward; Court, part 1 leave on the table; as to Part 2, quotes rule, good cause, late disclosure, Court will allow part one only, part 2 was not disclosed; Court will reserve ruling on Part 1;

Date: 9/25/2008

Time: 05:07 PM

Page 3 of 9

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

User: SANTOS

Tape Counter: 133

nothing further; the Jury will be brought in;

Tape Counter: 146

Court reads the preliminary jury instructions;

Counsels ask to approach the Bench; Mr. Nielsen motions to exclude witness from the Courtroom; Court addresses;

Tape Counter: 154

Ms. Cannon makes her opening statement for the State;

Tape Counter: 159

Mr. Nielsen will reserve his opening statement;

State calls witness; Javier Bustos, witness is sworn in by the Court Clerk;

Tape Counter: 207

Ms. Cannon questions witness Javier Bustos; witness gives credentials and testimony

Mr. Nielsen objects; Court allows Mr. Nielsen to question witness;

objects to any heresay evidence;

Ms. Cannon will offer by way of explanation;

Mr. Nielsen addresses the offer of heresay evidence;

Court explains to the Jurors;

Court can not testify as to what witness was told; only as an explanation; it is not quality proof; Court will allow;

Tape Counter: 217

Ms. Cannon continues with questioning of the witness;

Mr. Nielsen objects; Court Overrules; Ms. Cannon continues questioning;

Tape Counter: 222

Mr. Nielsen objects to heresay; Court sustains, directs the Jury to disregard; Ms. Cannon continues; Ms. Cannon enters evidence;

Tape Counter: 224

Mr. Nielsen objects outside of the Jury; Jury in Jury room; Mr. Nielsen objects to the use of evidence marked 104 not in the witness handwriting, report of the investigation;

Ms. Cannon responds;

Court reads from the Code book; will need to offer more foundation; other objection of Mr. Nielsen; Court addresses; Court allows Ms. Cannon to continue and establish foundation;

Ms. Cannon continues; Court has no questions

Mr. Nielsen questions witness, has same objection;
Court addresses heresay, sufficient foundation,

in recess for 10 minutes;

Tape Counter: 249

Court back on the record; before the Jury is brought in, preliminary ruling, not a permanent ruling;

Date: 9/25/2008

Time: 05:07 PM

Page 4 of 9

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

User: SANTOS

Selected Items

Tape Counter: 251

Jury back in the courtroom; Ms. Cannon continues with questioning the witness; Javier Bustos; Ms. Cannon offers exhibit;
Mr. Nielsen questions witness; same objection, Court overrules;

Tape Counter: 301

Witness reviews document; DEA Form 6, Report; testifies as to the contents of the Report; Baliff recovers report from the witness; Ms. Cannon continues questioning;
Mr. Nielsen objects, heresay, Ms. Cannon withdraws the questions;
Mr. Nielsen objects, Court allows Mr. Nielsen to question witness;
Mr. Nielsen objects, Court sustains objection;
Ms. Cannon continues questioning;

Tape Counter: 309

AMr. Nielsen objects, sustain objection, Jury instructed to disregard;
Ms. Cannon continues questioning;
Mr. Nielsen objects relating to "bunk", Court, can ask questions on cross; Court overrules;
Ms. Cannon continues;
Mr. Nielsen objects to heresay; Court: sustains objection, jury is instructed to disregard the statement;
Ms. Cannon continues;
Mr. Nielsen objects leading th witness; Court will allow;
Ms. Cannon continues; witness describes the Defendant; Mr. Nielsen objects; Court notes objection;

Ms. Cannon would like the record to reflect the witness has identified the Defendant;

Tape Counter: 323

Mr. Nielsen objects as to field tests, Court sustains; Ms. Cannon continues;
Ms. Cannon questions witness re: Idaho Affixed Tax Stamp; offers State's Exhibit 1; witness testifies as to the exhibit; asks for admission of the exhibit; Mr. Nielsen questions witness as to the exhibit; Mr. Nielsen objects as to the exhibit; Court will allow as to the admission of State's Exhibit 1;

Tape Counter: 334

Mr. Nielsen objects; Court asks Ms. Cannon to rephrase the question; Ms. Cannon continues; nothing further

Tape Counter: 337

Mr. Nielsen cross examines the witness Javier Bustos; Mr. Nielsen asks for the DEA Report to be reviewed by the witness; witness testifies; Mr. Nielsen asks witness re: conversation with CI, witness is shown pages of transcript of the wire used; marked Defendant's Exhibit A (two pages) for point of discussion only;

Tape Counter: 349

Mr. Nielsen continues questioning;

Tape Counter: 400

Mr. Nielsen asks witness re: Case Paper Plan; witness responds;
inquires re: CI search; no further questions;

Tape Counter: 405

Ms. Cannon redirects witness Javier Bustos; nothing further

Tape Counter: 407

State's next witness is Mr. Zepeda;
Court takes a 10 minute recess;

Date: 9/25/2008

Time: 05:07 PM

Page 5 of 9

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

User: SANTOS

Selected Items

Tape Counter: 417

Court back in session; Jury has handed a note to Judge; note is read; Jury is brought in; Court comments on the note; State calls witness Jose Zepeda; Clerk swears in witness Jose Luis Zepeda; Ms. Cannon questions witness; for the record reflect that he has identified the defendant; Court asks that the jurors will reflect for themselves;

Ms. Cannon continues questioning;
Mr. Nielsen asks for foundation for the conversation; asks for foundation;
Witness continues; Ms. Cannon continues questioning;
Mr. Nielsen objects, needs foundation, Court asks to establish foundation; Ms. Cannon continues;
Mr. Nielsen objects and asks for the statement to be stricken; Court overrules and clarify later without the jury present;

Tape Counter: 431

Ms. Cannon continues questioning; witness identifies Officer Javier; continues questioning;

Tape Counter: 438

Mr. Nielsen objects, Court overrules; Ms. Cannon continues;

Tape Counter: 452

Mr. Nielsen objects, Court overrules, Ms. Cannon continues,

Tape Counter: 453

Mr. Nielsen objects, Court sustains and instructs Jury to disregard;
Mr. Nielsen objects to the alleged conversation, Court overrules;
Ms. Cannon continues;
Mr. Nielsen objects, Ms. Cannon withdraws question;
Ms. Cannon continues;
nothing further;

Court instructs Jury

will commence tomorrow at 9:00 am, discussed alternate juror;

in recess 4:58

Tape Counter: 458

Court discusses the Motion on 404(b) evidence; along with Mr. Nielsen objection and Courts ruling; establishes identity, Mr. Nielsen has no further comment on the ruling, State comments;

Court in recess 5:05

Date: 9/25/2008

Fifth Judicial District Court - Minidoka County

User: SANTOS

Time: 05:07 PM

Minutes Report

Page 6 of 9

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Day #2 Jury Trial	Minutes date:	09/25/2008
Assigned judge:	R. Barry Wood	Start time:	09:02 AM
Court reporter:	Maureen Newton	End time:	09:02 AM
Minutes clerk:	Santos Garza	Audio tape number:	
Prosecutor:	Nicole L. Cannon		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 903 Court calls case; Ms Cannon and Mr Robert Nielsen with the defendant present: second day of Jury Trial;

Ms. Cannon addresses the Court re: amending the Complaint and police reports

Mr. Nielsen objects to the amendment;
Court addresses codes on the Complaint

Mr. Nielsen objects to amendment of the Complaint;

Court addresses Mr. Nielsen's

Court allows the amendment of the code section; as to the address
Court denies;
Ms. Cannon submits Amended Complaint;

Tape Counter: 908 Jury Panel is brought into the Courtroom;

Court will resume

Court recalls witness Jose Luis Zepeda; Court Clerk administers Oath

Tape Counter: 918 Mr. Nielsen questions witness Jose Luis Zepeda;
Mr. Nielsen objects non responsive to the question; Court sustains;

Mr. Nielsen continues questioning;

Nothing further from Mr. Nielsen

Date: 9/25/2008

Time: 05:07 PM

Page 7 of 9

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

User: SANTOS

Selected Items

Tape Counter: 925

Ms. Cannon redirects; Mr. Nielsen objects; Court sustains;
Ms. Cannon continues questioning;
Mr. Nielsen objects; Court strikes that and asks Jury to disregard;
Ms. Cannon continues; Mr. Nielsen objects, needs foundation; Ms. Cannon will lay
foundation; Mr. Nielsen objects, Court rules irrelevant;

nothing further from this witness, Court excuses witness;

Tape Counter: 940

State calls Mr. Blas Martinez; Court Clerk swears in the witness;
Ms. Cannon questions the witness, testifies as to credentials continues testimony;

Tape Counter: 947

Mr. Nielsen objects, Ms. Cannon will move on; continues questioning;
Mr. Nielsen objects; Court can testify only to control not from whom, Court strikes last part
of answer;

Tape Counter: 950

Ms Cannon continues; nothing further
Mr. Nielsen cross-examines witness Blas Martinez; Mr. Nielsen refers to Defendants
exhibit A, used for reference only,
nothing further

Tape Counter: 955

Ms. Cannon redirects witness Blas Martinez; Mr. Nielsen objects outside the scope of
redirect; Court allows; witness answers;
nothing further;

Witness is excused;
Ms. Cannon asks for a brief recess;
Court instructs jury

Tape Counter: 1029

in recess 9:57
Court back in session Jury is called into Court

Tape Counter: 1233

Court addresses the Jury will take a recess until 12:30; Instructs Jury
Court back in session; Ms Cannon asks court to allow Officer Blas Martinez to stay in the
Courtroom since he has testified and has been releases from his subpoena; Mr. Nielsen
and
Court have no objection as long as he will not be allowed to testify; Jury brought in to the
Courtroom;
State recalls Officer Javier Bustos; Court Clerk administers oath; Ms. Cannon questions
witness; Ms. Cannon asks witness to review State's exhibit maked #5, Sealed envelope
with tag containing evidence of Drugs;

Tape Counter: 1244

Mr. Nielsen cross- examines witness Javier Bustos; nothing further no re-direct;

Tape Counter: 1246

State calls Scott Hoopes; Court Clerk administers oath to witness; witness testifies as to
credentials; witness is handed State's exhibit #5, witness testifies;

Tape Counter: 102

State's introduces Exhibit #2, #3 and #4; witness reviews and testifies re: exhibit #2 lab
report, State ask for the admission of State's Exhibit #2, no objection from Mr. Nielsen,
exhibit #2 is admitted, witness reviews exhibit #3 report by submitting agent;

Date: 9/25/2008

Time: 05:07 PM

Page 8 of 9

Fifth Judicial District Court - Minidoka County

User: SANTOS

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Tape Counter: 108	State asks to admit Exhibit #3, Mr. Nielsen asks questions of witness re: #3; Mr. Nielsen addresses the exhibits preparation asks the Court to review; Ms. Cannon explains the purpose of the Exhibit #3; Mr. Nielsen objects to lines 34-39 of the report that are prejudicial; Court is deciding proper foundation; Court sustains;
Tape Counter: 113	Ms. Cannon continues; witness reviews State's exhibit #4; report of check out times of evidence; Witness asks Court to review notes; Court approves; State asks for the admission of State's exhibit #4;
Tape Counter: 124	Mr. Nielsen questions witness; Mr. Nielsen objects to exhibit; Court finds sufficient and overrules; Exhibit #4 is admitted;
Tape Counter: 127	Mr. Nielsen cross-examines witness Scott Hoopes; nothing further nothing further from Ms. Cannon, witness is excused
Tape Counter: 128	Ms. Cannon asks for State's Exhibit # 5 to be admitted, no objection; Court admits State's Exhibit #5 State rests it's case Mr. Nielsen has a motion outside of the Jury Court excuses Jury; Mr. Nielsen presents motion for acquittal with argument under Rule 21(a) Ms. Cannon argues Motion for Acquittal; asks Court for Denial; Court reads Rule 21(a); Court denies Motion;
Tape Counter: 225	recess for 10 minutes Court back on the Record: Proposed Jury instruction, Mr. Nielsen objects with no argument at this time; Court addresses Defendants Instructions #18 and the one failure to affix tax stamp, Court overrules; also the verdict form is objected too by Mr. Nielsen
Tape Counter: 228	Jury back in the Courtroom; State has rested Mr. Nielsen addresses no witnesses or no statement; Defense rests; Court has final instructions at this time; Court gives Jury a copy of the instructions and the verdict form; State and Defense waives Reporter from taking down the instructions; Court reads the instructions;
Tape Counter: 241	Court reads the verdict form to Jury; Ms. Cannon gives State's Closing Statement;
Tape Counter: 257	Mr. Nielsen gives Defense Closing Statement;
Tape Counter: 323	Ms. Cannon re-addresses the Jury
Tape Counter: 331	Court: Baliff reads the names of the Jurors to be put in the wheel for selection of the Alternate juror; Juror # 7 Ivy Aguinaga is excused; Court Clerk administers oath to the Baliff; Court is in recess 3:34

Date: 9/25/2008

Time: 05:07 PM

Page 9 of 9

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

User: SANTOS

Tape Counter: 454

Court back in session; Jury brought into the Courtroom;
Court asks Jury has reached a verdict: verdict given to the Court;
Clerk reads the verdict; Guilty on all counts

Mr. Nielsen asks for the jury to be polled; Clerk polls the jurors;

Court addresses the Enhancement;
Mr. Naranjo wishes to plead guilty to allegations;
Ms. Cannon wishes defendant to be placed under oath; Clerk administers oath to
Defendant Mr. Eloy Naranjo Jr.

Court asks Defendant as to plea; defendant pleads guilty;

Ms. Cannon reads the code to the violation;
Court asks to count in Cassia County; Defendant does plead guilty
Ms. Cannon offers certified copy of the Judgment of Conviction of case #CR04-169
Cassia County; no objection from Mr. Nielsen Court admits State's Exhibit #6

Court excuses Jury; 5:04

Tape Counter: 504

Court order PSI; nothing further ordered; Ms.Cannon addresses the bond, will continue
bond;
Sentencing date to be set on Monday Sept. 29, 2008 @ 9:00 am

Date: 9/26/2008

Fifth Judicial District Court - Minidoka County

User: SANTOS

Time: 11:07 AM

Minutes Report

Page 1 of 4

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Day #2 Jury Trial	Minutes date:	09/25/2008
Assigned judge:	R. Barry Wood	Start time:	09:02 AM
Court reporter:	Maureen Newton	End time:	09:02 AM
Minutes clerk:	Santos Garza	Audio tape number:	
Prosecutor:	Nicole L. Cannon		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 903 Court calls case; Ms Cannon and Mr Robert Nielsen with the defendant present: second day of Jury Trial;

Ms. Cannon addresses the Court re: amending the Complaint and police reports

Mr. Nielsen objects to the amendment;
Court addresses codes on the Complaint

Mr. Nielsen objects to amendment of the Complaint;

Court addresses Mr. Nielsen's

Court allows the amendment of the code section; as to the address
Court denies;
Ms. Cannon submits Amended Complaint;

Tape Counter: 908 Jury Panel is brought into the Courtroom;

Court will resume

Court recalls witness Jose Luis Zepeda; Court Clerk administers Oath

Tape Counter: 918 Mr. Nielsen questions witness Jose Luis Zepeda;
Mr. Nielsen objects non responsive to the question; Court sustains;

Mr. Nielsen continues questioning;

Nothing further from Mr. Nielsen

Date: 9/26/2008

Time: 11:07 AM

Page 2 of 4

Fifth Judicial District Court - Minidoka County

User: SANTOS

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Tape Counter: 925

Ms. Cannon redirects; Mr. Nielsen objects; Court sustains;
Ms. Cannon continues questioning;
Mr. Nielsen objects; Court strikes that and asks Jury to disregard;
Ms. Cannon continues; Mr. Nielsen objects, needs foundation; Ms. Cannon will lay
foundation; Mr. Nielsen objects, Court rules irrelevant;

nothing further from this witness, Court excuses witness;

Tape Counter: 940

Tape Counter: 947

State calls Mr. Blas Martinez; Court Clerk swears in the witness;
Ms. Cannon questions the witness, testifies as to credentials continues testimony;
Mr. Nielsen objects, Ms. Cannon will move on; continues questioning;
Mr. Nielsen objects; Court can testify only to control not from whom, Court strikes last part
of answer;
Ms Cannon continues; nothing further

Tape Counter: 950

Mr. Nielsen cross-examines witness Blas Martinez; Mr. Nielsen refers to Defendants
exhibit A, used for reference only,
nothing further

Tape Counter: 955

Ms. Cannon redirects witness Blas Martinez; Mr. Nielsen objects outside the scope of
redirect; Court allows; witness answers;
nothing further;

Witness is excused;
Ms. Cannon asks for a brief recess;
Court instructs jury

in recess 9:57

Tape Counter: 1029

Court back in session Jury is called into Court

Tape Counter: 1233

Court addresses the Jury will take a recess until 12:30; Instructs Jury
Court back in session; Ms Cannon asks court to allow Officer Blas Martinez to stay in the
Courtroom since he has testified and has been releases from his subpoena; Mr. Nielsen
and
Court have no objection as long as he will not be allowed to testify; Jury brought in to the
Courtroom;
State recalls Officer Javier Bustos; Court Clerk administers oath; Ms. Cannon questions
witness; Ms. Cannon asks witness to review State's exhibit maked #5, Sealed envelope
with tag containing evidence of Drugs;

Tape Counter: 1244

Tape Counter: 1246

Mr. Nielsen cross- examines witness Javier Bustos; nothing further no re-direct;
State calls Scott Hoopes; Court Clerk administers oath to witness; witness testifies as to
credentials; witness is handed State's exhibit #5, witness testifies;
State's introduces Exhibit #2, #3 and #4; witness reviews and testifies re: exhibit #2 lab
report, State ask for the admission of State's Exhibit #2, no objection from Mr. Nielsen,
exhibit #2 is admitted, witness reviews exhibit #3 report by submitting agent;

Date: 9/26/2008

Time: 11:07 AM

Page 3 of 4

Fifth Judicial District Court - Minidoka County

User: SANTOS

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Tape Counter: 108	State asks to admit Exhibit #3, Mr. Nielsen asks questions of witness re: #3; Mr. Nielsen addresses the exhibits preparation asks the Court to review; Ms. Cannon explains the purpose of the Exhibit #3; Mr. Nielsen objects to lines 34-39 of the report that are prejudicial; Court is deciding proper foundation; Court sustains;
Tape Counter: 113	Ms. Cannon continues; witness reviews State's exhibit #4; report of check out times of evidence; Witness asks Court to review notes; Court approves; State asks for the admission of State's exhibit #4; Mr. Nielsen questions witness; Mr. Nielsen objects to exhibit; Court finds sufficient and overrules; Exhibit #4 is admitted;
Tape Counter: 124	Mr. Nielsen cross-examines witness Scott Hoopes; nothing further nothing further from Ms. Cannon, witness is excused
Tape Counter: 127	Ms. Cannon asks for State's Exhibit # 5 to be admitted, no objection; Court admits State's Exhibit #5 State rests it's case
Tape Counter: 128	Mr. Nielsen has a motion outside of the Jury Court excuses Jury; Mr. Nielsen presents motion for acquittal with argument under Rule 21(a) Ms. Cannon argues Motion for Acquittal; asks Court for Denial; Court reads Rule 21(a); Court denies Motion;
Tape Counter: 225	recess for 10 minutes Court back on the Record: Proposed Jury instruction, Mr. Nielsen objects with no argument at this time; Court addresses Defendants Instructions #18 and the one failure to affix tax stamp, Court overrules; also the verdict form is objected too by Mr. Nielsen
Tape Counter: 228	Jury back in the Courtroom; State has rested Mr. Nielsen addresses no witnesses or no statement; Defense rests; Court has final instructions at this time; Court gives Jury a copy of the instructions and the verdict form; State and Defense waives Reporter from taking down the instructions; Court reads the instructions;
Tape Counter: 241	Court reads the verdict form to Jury; Ms. Cannon gives State's Closing Statement;
Tape Counter: 257	Mr. Nielsen gives Defense Closing Statement;
Tape Counter: 323	Ms. Cannon re-addresses the Jury
Tape Counter: 331	Court: Baliff reads the names of the Jurors to be put in the wheel for selection of the Alternate juror; Juror # 7 Ivy Aguinaga is excused; Court Clerk administers oath to the Baliff; Court is in recess 3:34

Date: 9/26/2008

Time: 11:07 AM

Page 4 of 4

Fifth Judicial District Court - Minidoka County

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

User: SANTOS

Tape Counter: 454

Court back in session; Jury brought into the Courtroom;
Court asks Jury has reached a verdict: verdict given to the Court;
Clerk reads the verdict; Guilty on all counts

Mr. Nielsen asks for the jury to be polled; Clerk polls the jurors;

Court addresses the Enhancement;
Mr. Naranjo wishes to plead guilty to allegations;
Ms. Cannon wishes defendant to be placed under oath; Clerk administers oath to
Defendant Mr. Eloy Naranjo Jr.

Court asks Defendant as to plea; defendant pleads guilty;

Ms. Cannon reads the code to the violation;
Court asks to count in Cassia County; Defendant does plead guilty
Ms. Cannon offers certified copy of the Judgment of Conviction of case #CR04-169
Cassia County; no objection from Mr. Nielsen Court admits State's Exhibit #6

Court excuses Jury; 5:04

Tape Counter: 504

Court order PSI; nothing further ordered; Ms.Cannon addresses the bond, will continue
bond;
Sentencing date to be set on Monday Sept. 29, 2008 @ 9:00 am

FILED
CASE

CLUSE 25 11/3/07

DURAN
56 11/3/07

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE CANNON, *Prosecuting Attorney (ISB #5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB #2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB #4960)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208)436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR THE STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,

) Case No. CR-2007-3809

Plaintiff,

vs.

**AMENDED
INFORMATION
PART I**

ELOY NARANJO JR.,
LAST KNOWN ADDRESS:
P. O. BOX 507, HEYBURN, ID
SSN: [REDACTED]
DOB: [REDACTED]

Defendant.

Nicole Cannon, Prosecuting Attorney in and for Minidoka County, State of Idaho, who, in the name and by the authority of said State prosecutes in its behalf, in proper person comes into said District Court in the County of Minidoka, State of Idaho, and gives the Court to understand and be informed that Eloy Naranjo Jr. is accused by this Information of the crimes of:

**COUNT I
TRAFFICKING IN METHAMPHETAMINE
Felony
Idaho Code Section 37-2732B(a)(3)(A)**


That the said defendant, Eloy Naranjo Jr., on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **TRAFFICKING IN METHAMPHETAMINE**, in violation of Idaho Code Section 37-2732B(a)(3)(A), by then and there willfully, intentionally, unlawfully, knowingly, and feloniously delivering as represented by the defendant twenty-eight (28) grams or more of methamphetamine, a Schedule II controlled substance, or of any mixture or substance containing a detectable amount of methamphetamine to a Confidential Source.

COUNT II
FAILURE TO OBTAIN A TAX STAMP
Felony
Idaho Code Sections 63-4205 and 63-4207

That the said defendant, Eloy Naranjo, on or about the 24th day of October, 2006, at 621 East 400 North, in the County of Minidoka, State of Idaho, committed the public offense of **FAILURE TO OBTAIN A TAX STAMP**, in violation of Idaho Code Sections 63-4205 and 63-4207, by then and there feloniously possessing a controlled substance, to-wit: methamphetamine, without affixing thereto the appropriate stamps evidencing tax paid, pursuant to Idaho Code Section 63-4201, et. seq.

All of which is contrary to the form, force and effect of the statute in such case in said State made and provided and against the peace and dignity of the State of Idaho.

DATED this 25th day of September, 2008.


Nicole Cannon
Prosecuting Attorney

2009 SEP 25 9:51:00

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
MINIDOKA**

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO JR.,
Defendant.

Case No.: CR-07-3809

VERDICT FORM

We, the Jury, duly impaneled and sworn to try the above-entitled action, for our verdict, unanimously answer the questions submitted to us as follows:

QUESTION NO. 1: Is Eloy Naranjo Jr guilty or not guilty of Failure to Affix Tax Stamp?

Not Guilty _____

Guilty X

QUESTION NO. 2: Is Eloy Naranjo Jr. guilty or not guilty of Delivery of Methamphetamine?

Not Guilty _____

Guilty X

If you unanimously answered Question No. 2 "Guilty" then you must next answer Question No. 3. If you unanimously answered Question No. 2 "Not Guilty" then you should simply sign the verdict form and advise the bailiff.

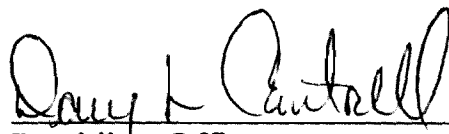
QUESTION NO. 3: Did Eloy Naranjo Jr. deliver 28 grams or more of methamphetamine?

Answer to Question No. 3:

Yes X

No _____

DATED this 25 day of September, 2008.



Presiding Officer

Exhibit Summary

Case: CR-2007-0003809

State of Idaho vs. Eloy Naranjo Jr

Sorted by Exhibit Number

FILED-CLERK
CASE 1:07-cr-00038

2008 SEP 26 11:11:06

Number	Description	Result	Storage Location Property Item Number	Destroy	Destroy or Return Date
				Notification Date	
1	State's #1, Photo copies of the State of Idaho Affixed Stamps	Admitted		46 DEPUTY	
2	State's #5, Sealed Envelope containing drugs; clear plastic; <i>Belford</i> 9-25-08	Admitted	Assigned to: Cannon, Nicole L.		
3	State's #2, copy of report	Admitted	Assigned to: Cannon, Nicole L.		
4	State's Exhibit # 4, copy of the report of evidence check in and out times	Admitted	Assigned to: Cannon, Nicole L.		
5	State's Exhibit # 6, certified Copy of the Judgment of conviction from case in Cassia County;	Admitted	Assigned to: Cannon, Nicole L.		

Assigned to: _____

Assigned: _____ Due Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO
Plaintiff,

vs.

Eloy Naranjo Jr
691 East 400 North
Rupert, ID 83350

Defendant.

) NOTICE OF ORDER FOR PRESENTENCE REPORT
) AND EVALUATIONS

Case No: CR-2007-0003809

CHARGE(s):

On this Monday, September 29, 2008, a Pre-sentence Investigation Report was ordered by the Honorable John Melanson to be completed for Court appearance on Monday, November 24, 2008 at: 09:00 AM.

December 1

EVALUATIONS TO BE DONE: Copy of each Evaluation to be sent to Pre-Sentence Investigation Office to be included with PSI Under §19-2524 the following is (are) ordered which shall include a criminogenic risk assessment of the defendant pursuant to I.C. 19-2524(4):

- ☐ Mental Health Examination as defined in I.C. 19-2524(3), including any plan for treatment; and/or
☒ Substance Abuse Assessment which is defined as an evaluation based upon objective evidence to determine whether the defendant meets the definition of a substance abuser (I.C. 39-302(11)), a drug addict I.C. 39-302(3)) and/or an alcoholic (I.C. 39-302(4)), including any plan of treatment.

☐ Other non-§19-2524 evaluations/examinations ordered for use with the PSI:

☐ Sex Offender ☐ Domestic Violence ☐ Other: _____ Evaluator: _____

DEFENSE COUNSEL: Robert M. Nielsen

PROSECUTOR: Nicole L. Cannon

THE DEFENDANT IS IN CUSTODY: ☐ YES ☐ NO**PLEA AGREEMENT:** State recommendation: (see attached minute entry)WHJ / JOC ☐ Probation ☐ Public Defender Reimbursement ☐ Fine ☐ ACJ ☐Restitution ☐ Other: _____**DEFENDANT'S INFORMATION: PLEASE PRINT**DO YOU NEED AN INTERPRETER? ☐ YES ☐ NOName: Eloy Naranjo Jr. ☒ Male ☐ Female RACE: Caucasian ☐ Hispanic ☒ Other

Address: 691 E. 400 N. City: Rupert State: Ida. ZIP: 83350

Telephone: 878-2047 Message Phone: _____ Work Phone: _____

Employer: Ken's Construction Work Address: 1231 W. Main

Social Security Number: _____

Name & Phone Number of nearest relative: Robert Naranjo 431-4535

Date of Arrest: _____ Arresting Agency: _____

Your assigned Pre-sentence Investigator will contact you to schedule an interview using the above information. Please have your Pre-sentence Investigation Personal History Questionnaire filled out completely for interview. (6/07)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,

Plaintiff,

vs.

Eloy Navais
Defendant.

) Case No. CR- 02-3809 *D

)
) **ORDER TO ATTEND PRESENTENCE**
) **INVESTIGATION AND TO APPEAR**
) **FOR SENTENCING**

TO: the above-named defendant

IT IS HEREBY ORDERED that you, the defendant named above, appear at the Probation and Parole Office, 1354 Albion Ave., or at the Mini-Cassia Criminal Justice Center, if in custody, both located in Burley, Cassia County, Idaho by Thurs. 10-2-08 at 9:00 .m., and at such other times and places as directed by an agent of the Dept. of Probation and Parole; you are to thereafter appear in this Court as you may be directed. ~~(If you are not able to make your appointment with Probation and Parole, then you are to report in person or by phone to 878-2530 no later than 5 p.m. TODAY to make any changes.)~~ You are also to fully complete the information sheets given to you by the Court and to take such sheets with you on the above date.

IT IS FURTHER ORDERED that you not appear for the above in an intoxicated condition, under the influence of drugs and/or alcohol. If such intoxication is suspected, you will be required to submit to a breath or urine test, as directed by the Dept. of Probation & Parole.

IT IS FINALLY ORDERED THAT YOU NEXT APPEAR IN THIS Court for sentencing on Monday, the 1st day of December, 2008, at 9:00 .m., or as soon thereafter as your case may be called.

DATED this 29 day of September, 2008.

R. Barry Wood

District Judge

I have received a copy of this order:

Defendant: Eloy Navais

Witness or Attorney: [Signature]

ORDER TO ATTEND PRESENTENCE INVESTIGATION AND TO APPEAR FOR SENTENCING

2008 SEP 30 AM 9:49

DUAN L. S. CLERK
DEPUTY

Date: 9/30/2008

Fifth Judicial District Court - Minidoka County

User: SANTOS

Time: 09:52 AM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Status Conference	Minutes date:	09/29/2008
Assigned judge:	John M. Melanson	Start time:	11:08 AM
Court reporter:	Maureen Newton	End time:	11:12 AM
Minutes clerk:	Santos Garza	Audio tape number:	
Prosecutor:	Nicole L. Cannon		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 1108

Court calls case set for Status Ms Cannon and Mr. Nielsen with Defendant are present;
Court here to set for sentencing and order PSI;

Sentencing set for Dec. 1, 2008 at 9:00 am

11:12

CASE
Dec
DUANE
DEPUTY

Date: 12/1/2008

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 09:55 AM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Sentencing	Minutes date:	12/01/2008
Assigned judge:	R. Barry Wood	Start time:	09:47 AM
Court reporter:	Linda Ledbetter	End time:	09:55 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 947

Court calls case, notes that defendant is present with counsel, set for sentencing, inquires Mr. Nielsen: defendant is not ready to proceed - PSI faxed late Wednesday night and haven't had chance to read, ask to continue a week to allow review
Court grants continuance - inquires as to jury verdict as to amount of substance involved
Mr. Brody responds - was the lowest level in trafficking explains - Mr. Nielsen responds - thinking might be best to have trial judge do the sentencing
Court responds - floor is set by legislature - inquires of state as to expected requested sentence
Mr. Brody respond s- will overshoot statutory amount
Court will consider option of having Judge Elgee sentence, notes that this Court was in another county hearing a case at trial when this case went to trial, makes further notes as to judge assignments,
Mr. Brody: presents document to be marked as exhibit and will ask to have it considered in aggravation at sentencing, was previously disclosed in discovery
Court has clerk mark as State's exhibit - notes have not seen this exhibit
Mr. Brody: makes comments regarding the exhibit and the information State will comment on,
Court inquires to clarify
Mr. Nielsen responds -
Mr. Brody responds - would be a prior bad act explains
In recess

Tape Counter: 955

FILED
CASE
DEC-9 PM 12:04
DUANE
CLERK

Date: 12/8/2008

Fifth Judicial District Court - Minidoka County

User: JANE1

Time: 11:54 AM

Minutes Report

Page 1 of 2

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Sentencing	Minutes date:	12/08/2008
Assigned judge:	R. Barry Wood	Start time:	11:13 AM
Court reporter:	Linda Ledbetter	End time:	11:54 AM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 1113

Court calls case, notes that defendant is present with counsel, not in custody, set for sentencing, Court inquires
Mr. Nielsen responds - cites to prior concerns with trial judge being Judge Elgee continues - cites to State's offer of proof at trial continues - respectfully submit that defendant is entitled to be sentenced by Judge Elgee and would be willing to travel to Blaine County if necessary
Court inquires if any Idaho Case that sustains rights
Mr. Nielsen: responds - no cases
Court denies motion - will proceed to sentencing, inquires
Mr. Nielsen: is otherwise ready
Court makes comments regarding Judge Elgee filling in for this Court in the trial - has received PSI and GAIN recommendation pursuant to 19-2524, inquires
Mr. Nielsen: no additions corrections or challenges - no claim or assertion that do not comply with Rule 32 or Statute,
Mr. Nielsen: have read PSI and is factually accurate
Bailiff states 16 days credit time served
MR. Nielsen and Defendant agree - Mr. Nielsen has no evidence
Mr. Brody has no evidence - just argument
Court reviews conviction of Count I Trafficking of Meth, a felony, reviews max and min penalty which is court costs, restitution, min period of prison of 3 yrs, not to exceed life, min of \$10,000 fine and max fine... inquires of quantity
Mr. Nielsen: represented to be 28 but was actually less
Mr. Brody agrees
Court confirms lowest level of trafficking so max fine is \$100,000
Mr. Nielsen agrees
Court notes jury conviction of 9-26-08 - reviews conviction of Count II Failure to obtain Tax Stamp, reviews max penalty
Counsels agree
Court continues - reviews concurrent and consecutive sentence options, reviews date of conviction, inquires
Mr. Nielsen: no lawful cause why should not proceed to sentencing other than request
Court confirms not subject to any sentencing enhancements - counsels agree
Court notes have been handed letter from American Staffing, Christina Arredondo dated 11-3-08, letter from Tammy and Ken Koepnik, inquires
Mr. Nielsen: don't need to be marked - have just provided to Court and prosecutor, are employers

Tape Counter: 1123

Date: 12/8/2008

Time: 11:54 AM

Page 2 of 2

Fifth Judicial District Court - Minidoka County

User: JANE1

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Tape Counter: 1124

Mr. Brody: state is requesting restitution of \$1006.00 spend on plane ticket to get witness here from California - should be paid to County explains - Makes State's argument for sentencing, cites considerations, asks for sentence of 20-12-8 concurrent with other case continues argument,

Court inquires as to consecutive possibility

Mr. Brody: responds - not sure what Cassia sentence will be

Court inquires further

Mr. Brody responds further - if Court were going to impose consecutive then State's recommendation would be ..

Court responds - if imposed 20-12-08 and made consecutive then defendant would serve 16 yrs...

Mr. Brody: was recommending concurrent

Court: would then have to serve 12 yrs

MR. Brody responds - was factoring that Cassia sentence would be imposed continues comments - this calls for punishment for protection of society, would leave sentence on Count II to Court discretion continues - not asking for more than minimum fine and concurrent fine on tax stamp, continues argument - not a question of rehabilitation as was on probation when committing these felonies so punishment called for here, continues comments,

Tape Counter: 1134

Mr. Nielsen: makes Defense argument for sentencing, have reviewed min sentence for trafficking continues argument, asks Court to utilize discretion and impose only minimums

Tape Counter: 1140

Defendant addresses Court - is innocent continues comments

Tape Counter: 1140

Court comments regarding the four goals and objectives of a sentence - cites to mandatory minimum prison term required, continues comments - cites to State V Chapmen @ 111 I, briefly reviews prior criminal record continues comments - obligated to follow what Jury has found continues comments -

COURT ORDERS: Count I impose court costs, required fine of \$10,000, impose drug hotline fee of \$10, impose sentence of unified sentence of 10-5-5 not to exceed 10, CountII impose \$500 fine, sentence of 3-1-2, credit for time served of 16 days, all sentences concurrent with each other and with Cassia County case, no such thing as a free felony, orders restitution of \$1,000 to County for Chemist, exonerates property bond, order committed to sheriff for deliver forthwith to Dept of Corrections continues - informs of right to appeal within 42 days including right to proceed informa pauperis

Tape Counter: 1154

In recess

FILED
CASE
2008-9 11:04
Dkt [Signature]
08-017

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

State of Idaho,

Plaintiff,

vs.

Case No. CR-2007-0003809

Eloy Naranjo Jr.

SSN [REDACTED]

DOB [REDACTED]

Defendant.

**JUDGMENT OF CONVICTION
UPON A CONVICTION OF GUILT BY JURY TO TWO FELONY COUNTS,
AND ORDER OF COMMITMENT.**

I. APPEARANCES.

1. The date of sentencing was 12/08/08, (hereinafter called sentencing date).

2. The State of Idaho was represented by counsel, Jonathan Brody, of the Minidoka County Prosecutor's office.
3. The defendant, Eloy Naranjo Jr., appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, Robert M. Nielson.
5. Barry Wood, District Judge, presiding.

II. ARRAIGNMENT FOR SENTENCING; I.C. § 19-2510, I.C.R. 33.

1. **Arraignment:** The defendant, Eloy Naranjo Jr., was informed by the Court at the time of the sentencing of the nature of charges and the conviction of the charges, which in this case were:

COUNT I

Crime of: Trafficking in Methamphetamine (28 to 200 grams), a felony.

Idaho Code Section(s): 37-2732B(a)(2)(A).

Maximum Penalty: Court costs, restitution, imprisonment for a mandatory term of three (3) years but not to exceed a term of life, a minimum of a ten thousand dollar (\$10,000) fine with a maximum of \$100,000 fine, or both such fine and imprisonment.

Idaho Code Section(s): 37-2732B(a)(3)(A).

Jury Conviction -- date of: 09/26/08.

COUNT II

Crime of: Failure to Obtain a Tax Stamp, a felony.

Idaho Code Section(s): 63-4205, 63-4207.

Maximum Penalty: Court costs, restitution, up to seven (7) years imprisonment, up to fifteen thousand dollar (\$15,000) fine, or both such fine and imprisonment.

Idaho Code Section(s): 63-4207(2), 37-2732(c).

Jury Conviction -- date of: 09/26/08.

2. **Grounds for Not Entering Judgment (I.C. §§ 19-2510, 19-2511):** The defendant was then asked by the Court whether the defendant had any legal cause to show why judgment should not be pronounced against the defendant, to which the defendant responded "No."

III. CONVICTION OF GUILT PREVIOUSLY ENTERED AND ACCEPTED.

1. The defendant, Eloy Naranjo Jr., previously was convicted by a jury on the date of 09/26/08, (hereinafter called "jury conviction"), to Count I and II set forth in section II immediately above.
2. After the jury conviction, the defendant, Eloy Naranjo, Jr. pled guilty on 09/26/08 to the sentencing enhancement as set forth in section II immediately above.

IV. SENTENCING DATE PROCEEDINGS.

On 12/08/08, the sentencing date, and after the arraignment for sentencing as set forth in section II "Arraignment for Sentencing" above, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the judgment of conviction to the date of sentencing. I.C. § 19-2501, I.C.R. 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19-2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

V. THE SENTENCE.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

Count I

1. **Crime of:** Trafficking in Methamphetamine, a felony.
2. **Court Costs:** The defendant shall pay court costs in the sum of \$97.50.
3. **Fine:** The defendant is fined the sum of \$10,000.00 and the defendant shall pay all costs, fees and fines ordered by this Court. This judgment that the defendant pay a fine and costs shall constitute a lien in like manner as a judgment for money in a civil action. I.C. § 19-2518, I.C. § 19-2702.
 - a. **Drug Hotline Fee:** In accordance with I.C. § 37-2735A, the Defendant shall pay an additional fine of ten dollars (\$10.00) to be deposited in the drug enforcement donation fund, as set forth in I.C. § 57-816, to be used for the purposes designated in that section.
4. **Penitentiary:** The defendant, Eloy Naranjo Jr., shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of 10 year(s); which unified sentence is comprised of a minimum (fixed) period of confinement of 5 year(s), followed by an indeterminate period of custody of 5 year(s), with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 10 year(s).

Count II

5. **Crime of:** Failure to Obtain a Tax Stamp, a felony.
6. **Fine:** The defendant is fined the sum of \$500 and the defendant shall pay all costs, fees and fines ordered by this Court. This judgment that the defendant pay a fine and costs shall constitute a lien in like manner as a judgment for money in a civil action. I.C. § 19-2518, I.C. § 19-2702.
7. **Penitentiary:** The defendant, Eloy Naranjo Jr., shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of 3 year(s); which unified sentence is comprised of a minimum (fixed) period of confinement of 1 year(s), followed by an indeterminate period of custody of 2 year(s), with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 3 year(s).

8. **Credit for Time Served:** The defendant is given credit for time previously served on this crime in the amount of 16 day(s). I.C. § 18-309.
9. **Concurrent or Simultaneous Prison Sentences:** Pursuant to I.C. § 18-308, Count I of this sentence shall run concurrent with Count II. Both Count I and Count II shall run concurrent with Cassia County Case No. CR-2004-0000169.

VI. ORDER REGARDING RESTITUTION.

1. **Restitution in Drug Case:** The Court hereby ORDERS a Judgment of Restitution to be entered in this case in the sum of \$1,000.00 (I.C. § 37-2732(k) (drug related)). This amount is payable to the Clerk of the District Court to be disbursed to the following law enforcement agency which investigated this crime:

Name(s): Minidoka County – to get Scott Hooper, the chemist, to trial.

VII. PROPERTY BOND.

The conditions of bail given in this case having been satisfied, the bail is ordered exonerated. I.C.R. 46(g).

VIII. ORDER OF COMMITMENT.

It is ADJUDGED and ORDERED that the defendant be committed to the custody of the Sheriff of Minidoka County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Correction at the Idaho State Penitentiary, or other facility within the State designated by the State Board of Correction. I.C. § 20-237.

IX. ORDER ON PRESENTENCE INVESTIGATION REPORTS.

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court's custody and use of said report shall thereafter be governed by I.C.R. 32(h)(1), (2), and (3).

X. ENTRY OF JUDGMENT - INCARCERATION - RECORD BY CLERK.

The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519(a). In addition, and in accordance with I.C. § 19-2519(b), as soon as possible upon the entry of Judgment of Conviction the Clerk shall deliver to the Sheriff of Minidoka County, a certified copy of the Judgment along with a copy of the presentence investigation report, if any, for delivery to the Director of Correction pursuant to I.C. § 20-237.

XI. RIGHT TO APPEAL/LEAVE TO APPEAL IN FORMA PAUPERIS.

The Right: The Court advised the defendant, of the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3), I.A.R. 14(a).

In Forma Pauperis: The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(a)(1) and (b)(2).

IT IS SO ORDERED.

DATED:

December 8, 2008

SIGNED:

B Wood
Barry Wood, District Judge

I.C.R. 49(b)
NOTICE OF ORDER

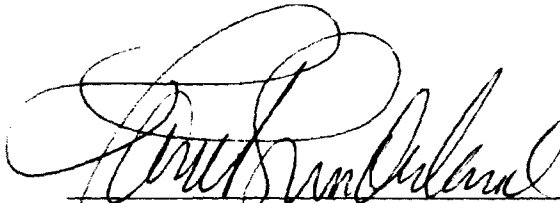
I, Janet Sunderland, Deputy Clerk for the County of Minidoka do hereby certify that on the day of 12/09/08, filed the original and caused to be served a true and correct copy of the above and foregoing document: **JUDGMENT OF CONVICTION UPON A CONVICTION OF GUILT BY A JURY TO TWO FELONY COUNTS, AND ORDER OF COMMITMENT**, to each of the persons as listed below:

Prosecuting Attorney: Jonathan Brody - *Baskel*

Defense Counsel: Robert M. Nielson - *Baskel*

Defendant: Eloy Naranjo Jr. - *Faxed Meete*

Central Records - Mail


Janet Sunderland
Deputy Clerk

2007 DEC 19 PM 3:52

DUPLICATE
CLERK

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,	)	Case No. CR-2007-3809D
Plaintiff,)	
vs.	)	MOTION FOR NEW TRIAL
ELOY NARANJO, JR.,)	
Defendant.)	

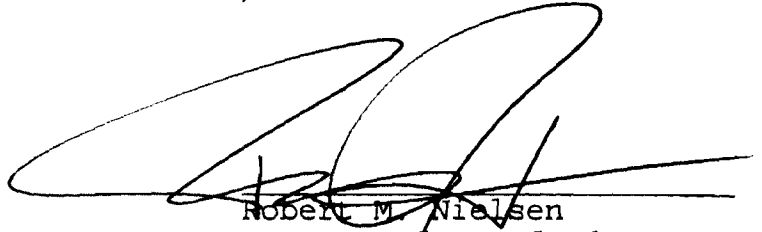
COMES NOW, Defendant ELOY NARANJO, JR., by and through his attorney of record, Robert M. Nielsen, Rupert, Idaho, and moves this Court pursuant to provisions of Rule 34 ICR, and §'s 19-2406 and 19-2407, Idaho Code, for a new trial on the grounds of newly discovered evidence and for the reason that a new trial would be in the best interest of justice. This Motion is further made on the fact that an essential defense witness, Margarita Zepeda was not available at the time of the trial and is now or will be available for a new trial as well as the fact that the State's evidence consisting of the controlled substance and its container were not made available to Defendant and his counsel until the end of the trial because it was in the possession of the State's witness, Scott Hoopes and the United States Drug

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 Enforcement Agency and Defendant was not given the opportunity to
3 have the substance and its container analyzed for fingerprint
4 when such analyzation would have exonerated Defendant. This Motion
5 is further based on the proceedings at trial, the pleadings on
6 file, the fact that Defendant was not sentenced until December 8,
2008 and the law in such cases made and provided.

7 ORAL ARGUMENT IS REQUESTED ON THIS MOTION.

8 DATED this 19th day of December, 2008.

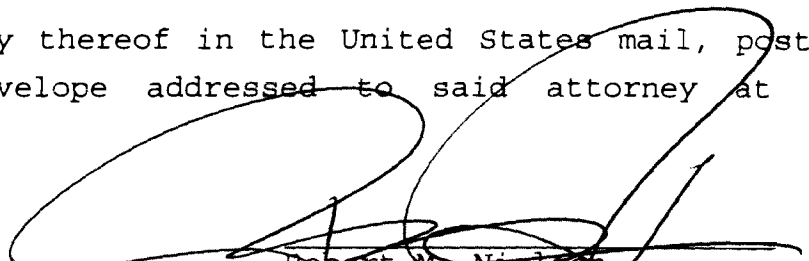
9
10
11 
12 Robert M. Nielsen
Attorney for Defendant

13
14 CERTIFICATE OF MAILING
15

16 I hereby certify that on the 19th day of December, 2008, I
17 served a copy of the foregoing MOTION FOR NEW TRIAL

18 Nicole L. Cannon
19 Minidoka County Deputy Prosecuting Attorney
20 P.O. Box 368
Rupert, Idaho 83350

21 by depositing a copy thereof in the United States mail, postage
22 prepaid, in an envelope addressed to said attorney at the
23 foregoing address.

24 
25 Robert M. Nielsen
26
27
28

ORIGINAL

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Deputy Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
MELISSA K. ASTON, *Deputy Prosecuting Attorney (ISB#7377)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187 Facsimile: (208) 436-3177
ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

**STATE OF IDAHO,
Plaintiff,**

vs.

**ELOY NARANJO JR.,
Defendant.**

) **Case No. CR-2007-3809**

)

)

)

)

)

)

)

**OBJECTION TO MOTION
FOR NEW TRIAL**

**COMES NOW, Nicole Cannon, Prosecuting Attorney in and for Minidoka
County, State of Idaho, hereby objects to Defendant's Motion For New Trial.**

**Idaho Criminal Rule 34 and Idaho Code Sections 19-2406 and 19-2407 lay
forth the provisions under which a new trial may be granted. Whether or not to
grant a Motion for New Trial is a decision which lies firmly within the discretion of
the trial court. Defendant's Motion is timely filed. Defendant requests a new trial
on the grounds of newly discovered evidence, which is one of the reasons allowed
under 19-2406.**


**The State submits that there is no newly discovered evidence in the above
case and none is offered by the Defendant in his Motion. Both the State and
Defendant were aware that Margarita Zepeda was a potential witness in this case.
Defendant has offered no supporting affidavit to indicate that potential testimony
offered by Ms. Zepeda would contradict that offered by the State's witnesses during**

trial. Defendant has not offered any indication that Ms. Zepeda's testimony would have resulted in an acquittal. Further, Defendant has offered nothing to show what efforts he made to secure Ms. Zepeda's testimony at trial nor how he can say when, and if, she would be available in the future should the Court grant Defendant's Motion.

Defendant also requests a new trial so that he may conduct tests on the controlled substance and its container which were offered as evidence at trial. Defendant asserts that such evidence was not made available to him until the end of the trial. State submits that Defendant was made aware of the evidence the State intended to produce at trial early on in the case through the discovery process. 19-2604 requires a showing that Defendant could not have discovered the evidence with reasonable diligence. Defendant was aware of the existence of the controlled substance and the results of the testing conducted on it. Defendant was aware of who conducted the testing and the necessity of bringing the criminalist and the evidence from out of state. Because of the unusual length of time between when the crime occurred and when the case was brought to trial, Defendant had longer than usual to view the evidence or to request additional testing on it. Defendant did neither. Defendant has failed to make an offer that additional testing would result in an acquittal.

The State objects to Defendant's Motion for New Trial on the grounds that there is no newly discovered evidence. Defendant failed to use reasonable diligence in reviewing or procuring evidence. Such failure on Defendant's part does not constitute "new evidence." The State therefore respectfully requests this Court deny Defendant's Motion.

DATED this 5th day of January, 2009.


Nicole Cannon
Prosecuting Attorney

ORIGINAL

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, *Deputy Prosecuting Attorney (ISB#5502)*
ALAN GOODMAN, *Deputy Prosecuting Attorney (ISB#2778)*
JONATHAN P. BRODY, *Deputy Prosecuting Attorney (ISB#4960)*
MELISSA K. ASTON, *Deputy Prosecuting Attorney (ISB#7377)*
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,

) **Case No. CR-2007-3809**

Plaintiff,

) **ORDER DENYING DEFENDANT'S**
) **MOTION FOR NEW TRIAL**

vs.

ELOY NARANJO JR.,

Defendant.

)
)
)
)
)
)

**THE COURT, having heard argument in the above-entitled matter and
recognizing that it is within the discretion of the Court whether or not to order a
new trial,**

**IT IS HEREBY ORDERED that Defendant's Motion for New Trial is
DENIED.**

DONE this _____ day of _____, 2009.

District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of January, 2007, I served a copy of the foregoing Stipulate for Continuance and Order upon Robert M. Nielsen, by depositing a copy thereof in the attorney's basket in Magistrate Court.



Kim Bourn

2009 JAN 12 PM 3:08

DUANE S. _____ CLERK
DEPUTY

Date: 1/12/2009

Fifth Judicial District Court - Minidoka County

User: JANE

Time: 02:43 PM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Motion for New Trial	Minutes date:	01/12/2009
Assigned judge:	R. Barry Wood	Start time:	02:40 PM
Court reporter:	Linda Ledbetter	End time:	02:43 PM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 240

Court calls case, notes that defendant is NOT PRESENT, defendant is incarcerated, here on Motion for New trial, inquires
Mr. Nielsen: responds - did receive Friday Objection to Motion for New trial, cites rules and Idaho Code, Court can allow defendant to procure affidavits and postpone hearing for reasonable time continues - have been in touch with attorney for Margarita Zepeda, request additional two weeks to try and reach her and get an affidavit from her regarding her testimony.
Mr. Brody: no objection
Court continues to 1-26-09 @ 2:00 p.m.

Tape Counter: 243

In recess

2009 FEB -3 PM 2:01

DUANE SMITH, CLERK
_____, DEPUTY

Date: 2/3/2009
Time: 02:02 PM
Page 1 of 1

Fifth Judicial District Court - Minidoka County

User: JANET

Minutes Report

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Motion for new trial	Minutes date:	02/02/2009
Assigned judge:	Daniel B. Meehl	Start time:	02:06 PM
Court reporter:	Maureen Newton	End time:	02:11 PM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 206

Court calls case, notes that defendant is NOT PRESENT with counsel, set today for Motion for New Trial,
Mr. Nielsen: makes argument on Motion for New Trial, cites considerations - respectfully suggest to this Court that either Judge Elgee or at least Judge Wood should hear the motion, also ask to have hearing continued at least until get affidavit back from defendant
Court responds - agrees to continuance due to fact that defendant has not been able to prepare his affidavit yet
Counsels agree
Court continues to 2-23-09 @ 2:00 p.m.

Tape Counter: 211

In recess

2009 FEB 23 PM 3:59

DUANE SUTHER, CLERK
DEPUTY

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,) Case No. CR-2007-3809D

Plaintiff,

vs.

AFFIDAVIT

ELOY NARANJO, JR.,

Defendant.

STATE OF IDAHO)
County of Ada) ss

ELOY NARANJO, JR., being first duly sworn on oath,
deposes and states:

1. Your Affiant is an adult formerly residing in Minidoka County, Idaho. That since sentencing in this matter your Affiant has been a resident of the Mini-Cassia Criminal Justice Center and South Idaho Correctional Institution North. Your Affiant makes this Affidavit in Support of his Motion on file herein. Your Affiant makes this Affidavit on his own personal knowledge, is competent to testify, and this Affidavit sets forth facts that are admissible in evidence.

2. That Margarita Zepeda is the sister of the State's

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 confidential informant in this case, Jose Zepeda. That y
3 Affiant and his Attorney believed the State would call Margar
4 Zepeda at the Trial in this matter because she is the witness w
5 gave the State's undercover agent the controlled substances. Th
6 although the State's Affidavit refers to Margarita Zepeda as
7 unidentified Hispanic female, the undercover officer and h
8 brother Jose Zepeda knew the "unidentified Hispanic female" w
9 Jose's sister Margarita because at the time the undercover offic
10 and Jose Zepeda arrived at your Affiant's residence on the day i
11 question, Jose Zepeda told the undercover officer that his siste
12 Margarita was there. Jose knew Margarita would be there.

13 3. That the undercover officer also knew Margarita
14 because he had arrested her on a felony controlled substance
15 charge a short time earlier in Jerome County. That Margarita
16 Zepeda and Jose Zepeda were trying to "work off" their charges and
17 they would do anything to help Margarita Zepeda and Jose Zepeda
18 with their charges.

19 4. That the reason Margarita Zepeda was at your
20 Affiant's house on the day in question was that she had called him
21 and told him she was going to pay him the balance owed for a car
22 she had purchased from him and had been driving for some time.
23 Earlier in the year your Affiant sold Margarita Zepeda a 1986
24 Oldsmobile Sierra for the agreed price of \$500.00. Margarita
25 Zepeda paid \$250.00 for the car when she took it and later gave
26 your Affiant a \$250.00 check for the balance but that check had
27 been dishonored by the drawee bank. That Margarita Zepeda had
28 told your Affiant she would bring the balance she owed for the car
to him on the day in question.

5. That your Affiant and his attorney have made
numerous attempts to locate Margarita Zepeda and obtain an
Affidavit from her. That your Affiant's attorney has also been in
contact with Jose Zepeda's attorney to determine if he would
recant his testimony at the Trial and tell the truth. That both
Margarita Zepeda and Jose Zepeda are "on the run" in that there
are failure to appear warrants issued and outstanding on both of

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 them. That if Margarita Zepeda testified truthfully she would
3 testify that on October 24, 2006 Defendant did not agree
4 deliver any controlled substance to her or her brother, did not
5 sell anyone any controlled substances and did not receive any
6 money from Margarita Zepeda for the sale of controlled substance.

7 That to corroborate these facts, your Affiant took a polygraph at
8 his own expense on April 14, 2008 which established that your
9 Affiant's testimony is truthful as to the tested issues.

10 6. That neither your Affiant nor his attorney were
11 able to view the controlled substance and its container until the
12 end of the Trial because said evidence was located in some vault
13 in California. That the State's expert witness testified that he
14 could have performed a finger print analysis on the container of
15 the evidence but the State did not ask him to do so. That your

16 Affiant and his Counsel were not made aware of where the expert
17 witness was until the day before the Trial. Additional testing
18 would result in an acquittal in that it would show that the
19 container did not have Defendant's finger prints anywhere thereon
20 but that it did have Margarita and Jose Zepeda's fingerprints.

21 WHEREFORE, your Affiant respectfully prays that the
22 Court grant his Motion for New Trial and that he have such other
23 and further relief as the Court deems proper in the premises.

24 DATED this 10 day of Feb., 2009.

25
26 Eloy Naranjo, Jr.
27 Eloy Naranjo, Jr.

28 SUBSCRIBED AND SWORN to before me this 10 day of
Feb., 2009.

(SEAL)

Jerri M. Hinckley
Notary Public
State of Idaho

Jerri M. Hinckley
Notary Public for Idaho
Residing at: Boise, ID
My Commission expires: 8/31/2011

MORGAN POLYGRAPH

CONFIDENTIAL



POLYGRAPH

Name: Naranjo, Eloy

Test date: 04-14-2008

Examiner: Chip Morgan

Polygraph #: C-08-2373



I conducted a psychophysiological detection of deception polygraph examination on Eloy Naranjo at the law offices of Robert Nielsen in Rupert, Idaho.

The purpose of the polygraph examination was to assess the examinee's veracity concerning allegations of methamphetamine dealing and delivering meth to a confidential source in October, 2006.

The polygraph examination consisted of three phases:

- pre-test interview,
- examination phase
- post-test interview.

All three phases of the process were recorded electronically.

Chip Morgan
5400 W. Franklin, Suite K,
Boise, ID 83705
chip@morgantpolygraph.com
(208) 571-9405

A brief pre-test summary of the case is as follows:

Eloy was arrested in October, 2007 for an offense which originated in October, 2006, involving a drug purchase made at Eloy's house by law enforcement authorities and a confidential source.

The drug purchase, involving an ounce of substance containing methamphetamine, was not conducted hand-to-hand with Eloy, but was made through a confidential source and another intermediary, a young woman.

The intermediary took \$900 from the law enforcement authorities and delivered an ounce of substance containing meth. She told the officers that the drugs came from Eloy (who was seen on the front porch area and subsequently identified by the officers).

In our pretest interview, Eloy stated the following:

- He knows both people involved in this drug transaction as Margarita and Jose (her brother).
- Eloy sold Margarita a car and was hounding her for payment.
- She showed up at his house, accompanied by Jose (he thought they arrived together, but has since learned they arrived separately)
- He knew they were doing "something" with people outside, but he did not participate in whatever was going on.
- He never agreed to deliver any meth to Margarita or Jose.
- Prior to Margarita's arrival, he had absolutely no meth in his house.
- He received nothing from Margarita from whatever she sold.
- He sold no methamphetamine to anyone on that day.

A comparison question test was conducted using validated testing methods. The **Utah Modified Control Question Technique**, which is numerically scored, was utilized for this examination.

This analysis is based on the criteria and procedures developed and validated at the University of Utah.

This method of evaluation was the subject of numerous scientific studies and represents the evaluation method with the strongest scientific validation

Examiner and Instrumentation:

I am a graduate of The Backster School of Lie Detection and I am a Certified Forensic Law Enforcement Polygraph Examiner (Certificate #1646), said certification being issued and administered by the American Association of Police Polygraphists.

I am a member of the American Polygraph Association, the American Association of Police Polygraphists, the National Polygraph Association and the Northwest Polygraph Examiner's Association.

The examination was conducted utilizing a computer polygraph system, which combines conventional polygraph procedures with computer graphics display and processing.

All physiological responses were monitored during the presentation of the questions by means of a Limestone polygraph instrument. The instrument serial number is L01514.

Testing Methodology:

As defined by the American Polygraph Association, there are two different categories of polygraph examinations, as follows:

- **Evidentiary Examination:** A polygraph examination, the written and stated purpose for which, agreed to by the parties involved, is to provide the diagnostic opinion of the examiner as evidence in a pending judicial proceeding.
- **Investigative (Utility) Examination:** A polygraph examination for which the examination is intended to supplement and assist an investigation and/or treatment and for which the examiner has not been informed and does not reasonably believe that the results of the examination will be tendered for admission as evidence in a court of record.

Since this was a multiple issue test, this series of testing was conducted using an **INVESTIGATIVE** standard.

The results were scored both conventionally /manually by myself/ from the following traditional physiological parameters:

- * Pneumo - Respiration - Two input channels

- * EDR/GSC – Electro-Dermal Response/Galvanic Skin Conductance
- * Cardio - Rate, Strength and Amplitude
- * Movement sensor on subject chair

All polygraph data obtained was scored manually, following scoring criteria as established by the American Association of Police Polygraphists and the American Polygraph Association. The digitized physiological data were displayed on the computer's monitor as analog waveforms and were then subjected to a standard numerical scoring analysis using validated criteria.

I decided to administer a Utah three question examination to test for multiple issues dealing with the subject's involvement in this case. Together with Eloy, I formulated the following relevant questions:

QUESTION FORMULATION:		
R1	On October 24, 2006 - did you sell anyone any meth?	Answered: No
R2	On October 24, 2006 - did you agree to deliver an ounce of meth to Margarita or her brother?	Answered: No
R3	On October 24, 2006 - did you receive \$900 from Margarita from the sale of meth?	Answered: No

COMPUTERIZED POLYGRAPH RESULTS

SPECIFIC ISSUES

The **Utah 3 Modified Control Question Technique**, which is numerically scored, was utilized for this examination.

Data from the 3 presentations of the questions were obtained and were subject to numerical scoring.

CONCLUSION:

Chart Analysis: No Significant Reaction

Professional Opinion: I believe that this person is being **TRUTHFUL** to the tested issues.

Eloy Naranjo showed no significant reactions to the relevant questions detailed above.

The absence of reaction is consistent with truthfulness and this examinee should be regarded as being truthful to the tested issues.

Please contact me if I may be of further assistance in this matter.

Chip Morgan
chip@morganpolygraph.com
(208) 573-9405

2009 FEB 23 PM 4:00

DUANE SMITH, CLERK
DEPUTY

Date: 2/23/2009

Fifth Judicial District Court - Minidoka County

User: JANET

Time: 02:00 PM

Minutes Report

Page 1 of 1

Case: CR-2007-0003809

Defendant: Naranjo, Eloy Jr

Selected Items

Hearing type:	Motion for New Trial	Minutes date:	02/23/2009
Assigned judge:	R. Barry Wood	Start time:	01:48 PM
Court reporter:	Linda Ledbetter	End time:	01:57 PM
Minutes clerk:	Janet Sunderland	Audio tape number:	
Prosecutor:	Jonathan P Brody		
Defense attorney:	Robert M. Nielsen		

Tape Counter: 148	<p>Court calls case, notes that defendant is NOT PRESENT with counsel, have been handed Affidavit of Defendant consisting of three pages with attached Exhibit A which is 5 pages, total doc is 8 pages. Court has a 12-19-08 Motion for New Trial, briefly reviews case to date,</p> <p>Mr. Nielsen: defendant is in State's Penn in Boise, waive appearance today</p> <p>Mr. Brody: no objection to Court filing and considering affidavit, will argue against weight of polygraph</p>
Tape Counter: 152	<p>Mr. Nielsen: makes argument in support of having the Trial Judge hear the Motion for New Trial, cites considerations,</p> <p>Court comments - inquires of State</p> <p>Mr. Brody: haven't researched specifically, will proceed as directed with whichever judge is assigned or can proceed today, won't really agree or object - will argue when it is time</p> <p>Mr. Nielsen: responds - do think Judge Elgee will be better qualified to argue on the motion, cites considerations,</p>
Tape Counter: 155	<p>Court Orders: in exercise of discretion and because the Judge is available, will allow Judge Elgee to decide Motion, will have Court schedule, if can do it by phone okay</p>
Tape Counter: 157	<p>In recess</p>

ORIGINAL

FILED-DIST. CT. COURT
CASE #

2009 APR 13 AM 10:30

DAVID E. CLERK
DEPUTY

**MINIDOKA COUNTY PROSECUTING ATTORNEY
STATE OF IDAHO**

NICOLE L. CANNON, Deputy Prosecuting Attorney (ISB#5502)
ALAN GOODMAN, Deputy Prosecuting Attorney (ISB#2778)
JONATHAN P. BRODY, Deputy Prosecuting Attorney (ISB#4960)
MELISSA K. ASTON, Deputy Prosecuting Attorney (ISB#7377)
715 G. Street, P. O. Box 368
Rupert, ID 83350
Office: (208) 436-7187
Facsimile: (208) 436-3177

ATTORNEYS FOR STATE OF IDAHO

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,

Plaintiff,

vs.

ELOY NARANJO JR.,

Defendant.

) Case No. CR-2007-3809

)

) **ORDER DENYING DEFENDANT'S**
) **MOTION FOR NEW TRIAL**

)

)

)

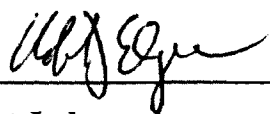
)

)

THE COURT, having heard argument in the above-entitled matter and recognizing that it is within the discretion of the Court whether or not to order a new trial,

IT IS HEREBY ORDERED that Defendant's Motion for New Trial is DENIED.

DONE this 6 day of April, 2009.



District Judge

SCANNED
148

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

FILED-DISTRICT COURT
CASE #

2009 APR 13 AM 10:31

HON. ROBERT J. ELGEE, DISTRICT JUDGE

JOLYNN DRAGE, Clerk of the Court

Paige Trautwein, Deputy Clerk

Court Reporter, Sue Israel

CD: 5174 Counter: 3:08

☐ IN CHAMBERS

DATE: 4.6.09 Time: _____

COURT MINUTES

STATE OF IDAHO)

Plaintiff,)

VS.)

ELOY NARANJO)

Defendant)

CASE NO.: CR-07-3809

Present in Court are:

☐ Attorney: John Brady

☐ Attorney: Robert Nielsen

MOTION FOR NEW TRIAL

The Court has reviewed the Affidavit of Naranjo and the State's Objection.

Mr. Nielsen set forth Δ's motion - I 19-2406 + 2407.

The m. timely obj. to the motion.

Mr. Nielsen advised the Court that the two witnesses who testified @ trial cannot be located - they are on the run w/ Bench warrants. Margarita was at the Δ's house at the time of the transaction. She was at the Δ's house to pay the balance on a car she bought from him in 2006. The alleged crime occurred in Oct. 2006. Margarita's brother + the agents showed up @ the Δ's house and initiated an arrest.

If Margarita testified honestly, she would say she was at the Δ's house to pay for a car - not to deliver drugs to the defendant.

The other issue is that the DEA analysed the substance - Mr. Nielsen did not see the products until

near the end of the trial. Margarita's fingerprint analysis would show that the Δ did not handle the substance.

State-v-Grapple (97 ID 685) + State-v-Ames were cited. I112-144. State-v-Hayes 165 ID 110
The Δ has met his burden that he is entitled to a new trial.

Mr. Brody set forth argument. - It does appear that the Δ was aware these people were potential witnesses. The DEA officials could shed light on the TR objects because these facts were known. The lab info was disclosed & never objected to by Δ 's. The issues of the drugs were known to the defense - This is not newly discovered evidence & it is not clear that a different verdict would be w/ regard to this.

Mr. Nelson - the Δ chose not to testify @ trial. It was only disclosed the day before the trial where the lab test was from. The defense heard at trial that fingerprint testing could be done - but never was. Margarita's evidence would result in an acquittal.

Court: I19. 2406 + 2407 Discussed.
The Court is working off a very limited shadow of 40 minutes.

There was no request for Cont. @ the time of trial. This is a big factor. There has been no claim until now that Margarita was a material witness or essential to this process.

Court (cont.)

the same thing applies to the Controlled Substances. The location of the Test or Chemist was not an important issue at trial.

If the A wanted to test the evidence, they should have moved to do this at trial.

The A knew Margarita was at his house and this was never important. Why does Margarita's presence become important now?

Margarita is not newly discovered. The A knew Margarita's brother was the C.I. @ trial.

This is not newly discovered evidence - it is hopeful evidence that might be discovered if Margarita is located.

The C.I. was never wanted by authorities as far as the Court knows. The C.I. testified out of a desire to help his sister.

The Defendant's Motion for New Trial is hereby denied. The Court signed the Motion Denying the Order

CLERK'S CERTIFICATE OF SERVICE

2009 APR 14 PM 2:28

I HEREBY CERTIFY that on the 14 of April, 2009, I served a true, DUANE S. SMITH DEPUTY

correct copy of the ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL upon the

following in the manner provided:

Minidoka County Prosecuting Attorney
P. O. Box 368
Rupert, ID 83350

() First Class Mail
☒ Hand Delivery - Basket
() Facsimile

Robert M. Nielsen
P. O. Box 706
Rupert, ID 83350

() First Class Mail
☒ Hand Delivery - Basket
() Facsimile

Duane Smith
Clerk of the District Court

By [Signature]
Deputy Clerk

FILED
CASE 7

2009 MAY -4 PM 4:57

DUANE J. ELGEE
CLERK
DEPUTY

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809
)	
Plaintiff,)	
)	
vs.	)	<u>NOTICE OF APPEAL</u>
)	
ELOY NARANJO, JR.,)	
)	
Defendant.)	

To: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND IT'S
ATTORNEY, LAWRENCE WASDEN, MINIDOKA COUNTY PROSECUTING
ATTORNEY, LANCE D. STEVENSON, AND TO THE CLERK OF THE ABOVE-
ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Defendant, Eloy Naranjo, Jr., hereby
appeals against the above-named Plaintiff to the Idaho Supreme
Court from the Judgment of Conviction Upon A Conviction of Guilt
by Jury to Two Felony Counts and Order of Commitment, filed in the
above-entitled action on the 9th day of December, 2008, the
Honorable R. Barry Wood, District Judge, presiding, and from the
Order Denying Defendant's Motion for New Trial filed in the above-
entitled action on the 13th day of April, 2009, the Honorable
Robert James Elgee, District Judge, presiding.

2. That the Defendant has a right to appeal to the Idaho

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 Supreme Court from and the Judgments and Orders described in
3 Paragraph 1 above which are appealable orders under and pursuant
4 to Rule 11(c)(1), I.A.R.

5 3. The issues on appeal are:

6 (a) Whether the sentence imposed was an unduly harsh
7 sentence.

8 (b) Whether the District Court erred in denying
9 Defendant's Motion for a New Trial which was filed
10 herein on December 19, 2008.

11 (c) Whether the Defendant had ineffective assistance
12 of counsel at the Jury Trial and subsequent
13 proceedings.

14 4. (a) Is a Reporter's transcript requested?

15 (b) The Appellant requests the preparation of the
16 following reporter's transcripts:

17 (1) Hearing on Defendant's Motion for New Trial
18 held on April 6, 2009 before the Honorable Robert
19 James Elgee by Telephone Conference call which was
20 tape recorded. It is believed the total estimate
21 of pages for said transcript would be less than
22 100 pages.

23 (2) Sentencing Hearing held December 8, 2008;
24 transcribed by Linda Ledbetter, 570 Rimview Drive,
25 Twin Falls, Idaho 83301, Idaho CSR Certificate No.
26 26, total estimate of pages for said transcript
27 being less than 100 pages.

28 (3) Jury Trial held September 24th, 25th, and 26th,
2008; transcribed by Maureen Newton, P. O. Box
132, Heyburn, Idaho 83336, Idaho CSR Certificate
No. 312, total estimate of pages for said
transcript being approximately 500 pages.

5. The appellant requests the standard Clerk's transcript as
provided by Rule 28, I.A.R.

6. I certify:

(a) That a copy of this Notice of Appeal has been

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

1
2 served on the reporter.


3 (b) The Appellant is exempt from paying the estimated
4 transcript fees because although his Counsel of Record is filing
5 this Notice of Appeal, the Defendant will be substituting for his
6 present attorney of record, pro se, after which the Defendant will
7 apply for the Public Defender because the Defendant is indigent as
8 provided in Idaho Code § 19-863 and Defendant is unable to pay the
costs of an Appeal and is entitled to apply for leave to appeal in
forma pauperis.

9 (c) That the Appellant is exempt from paying the estimated
10 fee for the preparation of the record because although his Counsel
11 of Record is filing this Notice of Appeal, the Defendant will be
12 substituting for his present attorney of record, pro se, after
which the Defendant will apply for the Public Defender because the
13 Defendant is indigent as provided in Idaho Code § 19-863 and
14 Defendant is unable to pay the costs of an Appeal and is entitled
to apply for leave to appeal in forma pauperis.

15 (d) That the Appellant is exempt from paying the appellate
16 filing fee because although his Counsel of Record is filing this
17 Notice of Appeal, the Defendant will be substituting for his
18 present attorney of record, pro se, after which the Defendant will
19 apply for the Public Defender because the Defendant is indigent as
20 provided in Idaho Code § 19-863 and Defendant is unable to pay the
costs of an Appeal and is entitled to apply for leave to appeal in
21 forma pauperis.

22 (e) That service has been made upon all parties required to
be served pursuant to Rule 20, I.A.R.

23 DATED this 4th day of May, 2009.

24
25
26 
Robert M. Nielsen
Present Attorney for Defendant
27
28

1
2
3 CERTIFICATE OF SERVICE

4 I hereby certify that on the 4th day of May, 2009, I
5 caused a true and correct copy of the NOTICE OF APPEAL served
6 upon:

7 Lance D. Stevenson
8 Minidoka County Prosecutor
9 P. O. Box 368
Rupert, Idaho 83350

10 Lawrence Wasden
11 Attorney General
12 P.O. Box 83720
Boise, Idaho 83720-0010

13 Linda Ledbetter
14 570 Rimview Drive
Twin Falls, Idaho 83301

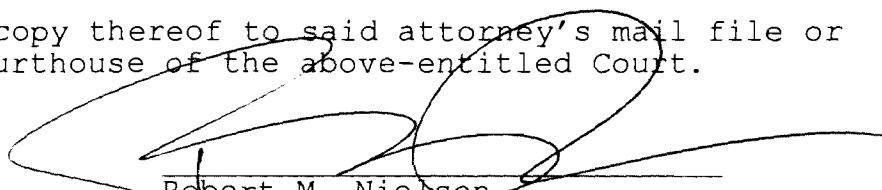
15 Maureen Newton
16 P. O. Box 132
Heyburn, Idaho 83336

17 X by depositing a copy thereof in the United State's mail,
18 postage prepaid in an envelope addressed to said attorney at
the foregoing address.

19 _____ by hand delivering copies of the same to the office of the
20 attorney at the address above indicated.

21 _____ by facsimile transmission of the same to said attorney at
his/her facsimile number of:

22 _____ by delivering a copy thereof to said attorney's mail file or
23 basket at the Courthouse of the above-entitled Court.

24 
25 Robert M. Nielsen
26 Present Attorney for Defendant
27
28

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

IDAHO SUPREME COURT



IDAHO COURT OF APPEALS

Clerk of the Courts
(208) 334-2210

P.O. Box 83720

2009 MAY 20 AM 10:13 Boise, Idaho 83720-0101

DUANE SMITH
[Signature] DEPUTY

DUANE SMITH, CLERK
Attn: SANTOS
MINIDOKA COUNTY COURTHOUSE
PO BOX 368
RUPERT, ID 83350

CLERK'S CERTIFICATE FILED

Docket No. 36473-2009

STATE OF IDAHO v. ELOY
NARANJO, JR.

Minidoka County Docket #
2007-3809

Enclosed is a copy of a the CLERK'S CERTIFICATE for the above-entitled appeal, which was filed in this office on this date.

Please examine carefully the TITLE and the CERTIFICATE and advise the District Court Clerk (or the Agency secretary, if applicable) AND this office of any errors detected on this document.

The TITLE in the CERTIFICATE must appear on all DOCUMENTS filed in this Court, including all BRIEFS. An abbreviated version of the TITLE may be used if it clearly identifies the parties to this appeal when the title is extremely long.

For the Court:
Stephen W. Kenyon
Clerk of the Courts

05/18/2009

RECEIVED
DISTRICT COURT
CLERK'S OFFICE

MAY - 6 AM 9:39

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

* * * * *

STATE OF IDAHO,

Plaintiff/Respondent,

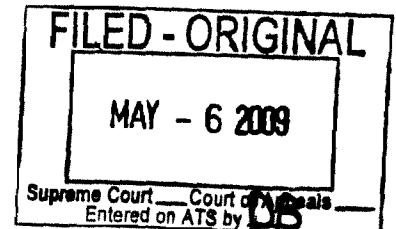
Vs.

ELOY NARANJO, JR. ,

Defendant/Appellant

SUPREME COURT NO. 36473

CLERK'S CERTIFICATE OF
APPEAL



APPEAL FROM THE FIFTH JUDICIAL DISTRICT MINIDOKA COUNTY

HONORABLE R. BARRY WOOD and ROBERT JAMES ELGEE PRESIDING

CASE NO.: CR-2007-3809*D

ORDER OR JUDGMENT APPEALED FROM:

Judgment of Conviction Upon a Conviction of Guilt by Jury to Two Felony Counts and Order of Commitment, filed in the above-entitled action on the 9th day of December, 2009, the Honorable R. Barry Wood, presiding and from the Order Denying Defendant's Motion for New Trial filed in the above-entitled action on the 13th day of April, 2009, the Honorable Robert James Elgee, District Judge presiding.

ATTORNEY FOR APPELLANT: Robert M. Nielsen, P.O. Box 706 Rupert, ID. 83350

ATTORNEY FOR RESPONDENT: Lawrence Wasden, IDAHO ATTORNEY GENERAL, P. O. Box 83720, Boise, ID 83720-0010

APPEALED BY: Defendant, ELOY NARANJO

APPEALED AGAINST: Respondent, State of Idaho

NOTICE OF APPEAL FILED: May 4, 2009

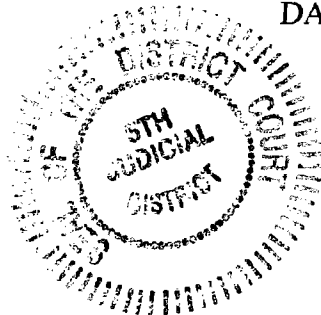
AMENDED NOTICE OF APPEAL FILED: n/a

APPELLATE FEE PAID: NO

WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED: Yes
Fees not paid

NAME OF COURT REPORTER: Linda Ledbetter 570 Rim View Dr. Twin Falls, ID.
83301 less than 100 pages and Maureen Newton
Hand-delivered approximately 500 pages

DATED: May 5, 2009



Duane Smith
Clerk of the District Court

By: *[Signature]*
Deputy Clerk of the District Court

IDAHO SUPREME COURT

Clerk of the Courts
(208) 334-2210



FILED DIST
CASE

IDAHO COURT OF APPEALS

2009 MAY 20

P.O. Box 83720

Boise, Idaho 83720-0101

DUANE SMITH, CLERK
gls DEPUTY

DUANE SMITH, CLERK
Attn: SANTOS
MINIDOKA COUNTY COURTHOUSE
PO BOX 368
RUPERT, ID 83350

CLERK'S RECORD/REPORTER'S TRANSCRIPT SUSPENDED

Docket No. 36473-2009

STATE OF IDAHO v.
ELOY NARANJO, JR.

Minidoka County District Court
#2007-3809

The CLERK'S RECORD/REPORTER'S TRANSCRIPT is **SUSPENDED** until further notification from this office.

REASON FOR SUSPENSION: SUSPENDED TO 6-8-09 FOR PAYMENT OF FEES.

For the Court:
Stephen W. Kenyon
Clerk of the Courts

05/18/2009 DB

In the Supreme Court of the State of Idaho

DUANE S. WILSON, CLERK
— *SL* — DEPUTY

STATE OF IDAHO,

Plaintiff-Respondent,

v.

ELOY NARANJO, JR.,

Defendant-Appellant.

)
)
) ORDER CONDITIONALLY
) DISMISSING APPEAL
)

) Supreme Court Docket No. 36473-2009
) Minidoka County Docket No. 2007-3809
)
)

The Appellant having failed to pay the necessary fees for preparation of the Clerk's Record and Reporter's Transcript; therefore, good cause appearing;

IT HEREBY IS ORDERED that this appeal be, and hereby is, CONDITIONALLY DISMISSED unless the required fees for preparation of the Clerk's Record and Reporter's Transcript are paid to the District Court Clerk within twenty-one (21) days from the date of this Order.

IT FURTHER IS ORDERED that this appeal is SUSPENDED until further notice.

DATED this 15th day of May 2009.

For the Supreme Court

Stephen W. Kenyon

Stephen W. Kenyon, Clerk

cc: Counsel of Record
District Court Clerk
District Court Reporter

2009 MAY 29 PM 3:19

DUAL
gk DEPUTY

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,	)	Case No. CR-2007-3809*D
)	
Plaintiff,)	
)	
vs.	)	MOTION FOR LEAVE TO
	)	WITHDRAW AS ATTORNEY
ELOY NARANJO, JR.,	)	OF RECORD
)	
Defendant.)	

COMES NOW, Robert M. Nielsen, of 548 E Street, Rupert, Idaho, Attorney at law, and moves the Court pursuant to Rule 44.1 ICR to withdraw as attorney of record for Defendant, Eloy Naranjo, Jr. in this cause and in support thereof states:

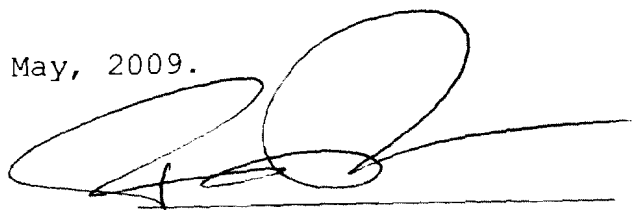
This Motion is made on the grounds and for the reasons that Defendant has been incarcerated since he was sentenced, he has no income, is entitled to Appeal in Forma Pauperis, is unable to retain the undersigned to represent him on Appeal, and one of the grounds for Appeal is ineffective assistance of counsel.

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Your Movant further advises the Court that he has discussed this Motion with the Minidoka County Prosecuting Attorney, Lance D. Stevenson, Attorney for Plaintiff, State of Idaho, and said attorney has no objection to this Motion being granted

ORAL ARGUMENT IS ~~NOT~~ REQUESTED ON THIS MOTION.

DATED this 29th day of May, 2009.



Robert M. Nielsen
Attorney at Law

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

CERTIFICATE OF MAILING

I hereby certify that on the 29 day of May, 2009, I served a copy of the foregoing **MOTION FOR LEAVE TO WITHDRAWAL AS ATTORNEY OF RECORD** upon:


Lance D. Stevenson
Minidoka County Prosecutor
P. O. Box 368
Rupert, Idaho 83350

Lawrence Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

Molly J. Huskey
Idaho State Appellate Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83707

Eloy Naranjo, Jr.
Twin Falls Community Work Center
616 Washington Street South
Twin Falls, Idaho 83301

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said attorneys and Defendant at the foregoing addresses.


Robert M. Nielsen
Attorney at Law

2009 MAY 29 PM 3:19

DUANE J. CLARK
[Signature] DEPUTY

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

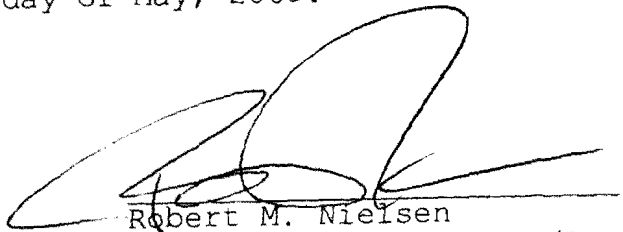
Attorney for Defendant/Appellant

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809*D
)	
Plaintiff/Respondent,)	
)	
vs.	)	MOTION FOR APPOINTMENT
	)	OF STATE APPELLATE
ELOY NARANJO, JR.,	)	PUBLIC DEFENDER
)	
Defendant/Appellant.)	
)	

COMES NOW, Defendant Eloy Naranjo, Jr., by and through his attorney of record, Robert M. Nielsen, Rupert, Idaho, and hereby moves the Court for an Order Appointing the State Appellate Public Defender to represent the Defendant on Appeal. The Defendant has been incarcerated since he was sentenced, has no income, is entitled to Appeal in Forma Pauperis, and one of the grounds for Appeal is ineffective assistance of counsel. Counsel of Record, Robert M. Nielsen, will file a Motion to Withdraw in this matter.

1
2 DATED this 29th day of May, 2009.
3
4

5
6 
7 Robert M. Nielsen
8 Attorney for Defendant/Appellant
9

10 CERTIFICATE OF MAILING

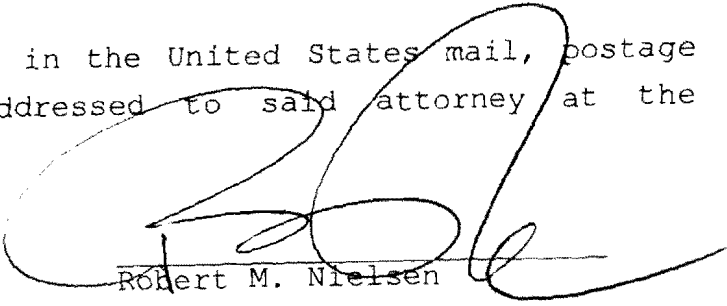
11 I hereby certify that on the 29th day of May, 2009, I served
12 a copy of the foregoing MOTION FOR APPOINTMENT OF STATE APPELLATE
13 PUBLIC DEFENDER

14 Lance D. Stevenson
15 Minidoka County Prosecutor
16 P. O. Box 368
17 Rupert, Idaho 83350

18 Lawrence Wasden
19 Attorney General
20 P.O. Box 83720
21 Boise, Idaho 83720-0010

22 Molly J. Huskey
23 Idaho State Appellate Public Defender
24 3647 Lake Harbor Lane
25 Boise, Idaho 83707

26 by depositing a copy thereof in the United States mail, postage
27 prepaid, in an envelope addressed to said attorney at the
28 foregoing address.

29 
30 Robert M. Nielsen

2009 JUN -1 AM 9:53

DUANE S. [unclear] CLERK
Sle DEPUTY

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

STATE OF IDAHO,	)	Case No. CR-2007-3809*D
)	
Plaintiff,)	
)	
vs.	)	ORDER GRANTING LEAVE
	)	TO WITHDRAW AS
ELOY NARANJO, JR.,	)	ATTORNEY OF RECORD
)	
Defendant.)	

ON MOTION of Robert M. Nielsen seeking leave of the Court to withdraw as attorney of record for the Defendant, ELOY NARANJO, JR., made pursuant to Rule 44.1 ICR, it appearing that Plaintiff has no objection to said Motion, such leave is hereby GRANTED; for good cause shown.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the State Appellate Public Defender be appointed to represent the Defendant, ELOY NARANJO, JR.

DATED this 1 day of June, 2009.

[Signature]
District Judge

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the 1 day of ^{June}~~May~~, 2009, served a copy of the foregoing ORDER GRANTING LEAVE TO WITHDRAW upon:

Robert M. Nielsen
Attorney at Law
P.O. Box 706
Rupert, Idaho 83350

Court Box

Lance D. Stevenson
Minidoka County Prosecutor
P. O. Box 368
Rupert, Idaho 83350

Court Box

Lawrence Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

mail

Molly J. Huskey
Idaho State Appellate Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83707

mail

Eloy Naranjo, Jr.
Twin Falls Community Work Center
616 Washington Street South
Twin Falls, Idaho 83301

mail

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to said attorneys at the foregoing addresses.

MINIDOKA COUNTY
CLERK OF THE DISTRICT COURT

Santos Hanz
By: Deputy Clerk of the Court

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

2009 JUN -1 AM 9:55

DUANE S. _____
Slp DEPUTY

Robert M. Nielsen, Esq.
Attorney at Law
548 E Street
P.O. Box 706
Rupert, Idaho 83350
Telephone: (208) 436-4678
Facsimile: (208) 436-0551
ISB# 1335

Attorney for Defendant/Appellant

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA**

STATE OF IDAHO,	)	Case No. CR-2007-3809*D
)	
Plaintiff/Respondent,)	
)	
vs.	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
ELOY NARANJO, JR.,)	
)	
Defendant/Appellant.)	
)	

THIS MATTER having come before the above-entitled Court based upon the Motion for Appointment of State Appellate Public Defender filed by the Defendant/Appellant, Eloy Naranjo, Jr, by and through his attorney of record, Robert M. Nielsen, Rupert, Idaho, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the State Appellate Public Defender be appointed to represent the Defendant/Appellant, Eloy Naranjo, Jr.

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DATED this 1 day of June, 2009.

Burton
District Judge

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

ROBERT M. NIELSEN
ATTORNEY AT LAW
P.O. BOX 706
RUPERT, IDAHO 83350

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the 1 day of ^{June}~~May~~, 2009, I served
a copy of the foregoing ORDER APPOINTING STATE APPELLATE PUBLIC
DEFENDER

Lance D. Stevenson
Minidoka County Prosecutor
P. O. Box 368
Rupert, Idaho 83350

Court Box

Lawrence Wasden
Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

mail

Molly J. Huskey
Idaho State Appellate Public Defender
3647 Lake Harbor Lane
Boise, Idaho 83707

mail

Robert M. Nielsen
Attorney at Law
548 E Street
P. O. Box 706
Rupert, Idaho 83350

Court Box

Eloy Naranjo, Jr.
Twin Falls Community Work Center
616 Washington Street South
Twin Falls, Idaho 83301

mail

Maureen Newton
Court Reporter
P. O. Box 132
Heyburn, Idaho 83336

mail

by depositing a copy thereof in the United States mail, postage
prepaid, in an envelope addressed to said attorney at the
foregoing address.

CLERK OF THE COURT

[Signature]
By: Deputy Clerk of the Court

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

* * * * *

ELOY NARANJO JR.,	)	SUPREME COURT NO. 36473-2009
)	
Appellant/Petitioner,	)	District Court # CR-2007-3809*D
vs.)	
	)	CLERK'S CERTIFICATE TO
STATE OF IDAHO,	)	RECORD
)	
Respondent.)	

STATE OF IDAHO))	
)ss.)	
County of Minidoka))	

I, DUANE SMITH, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Minidoka, do hereby certify that the above and foregoing record in the above-entitled case was compiled and bound under my direction, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by counsel.

I FURTHER CERTIFY that the Notice of Appeal was filed on the 4TH day of May, 2009

DUANE SMITH
Clerk of the District Court

By: Santos Garza
Santos Garza, Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MINIDOKA

* * * * *

ELOY NARANJO JR.,	) Supreme Court No. 36473-2009
)
Appellant/Defendant,	) District Court No. CR-2007-3809*D
vs.)
	) CLERK'S CERTIFICATE OF
STATE OF IDAHO,	) SERVICE
)
Respondent/Plaintiff.)
_____)

I, Santos Garza, Deputy Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Minidoka, do hereby certify that I have personally served or mailed by United States Mail, postage prepaid, one copy of the Transcript on Appeal and the Clerk's Record to each of the parties or their attorney of record as follows:

Lawrence Wasden, Esq.
IDAHO ATTORNEY GENERAL
P. O. Box 83720
Boise, ID 83720-0010

Molly J. Huskey
IDAHO STATE APPELLATE PUBLIC DEFENDER
3647 Lake Harbor Lane
Boise, ID 83703

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court in Rupert, Idaho, the 10th day of May, 2009.

Santos Garza

DUANE SMITH
Clerk of the District Court

By: *Santos Garza*
Santos Garza, Deputy Clerk

